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THE FELLOWS AND ASSOCIATES
OF THE
PONTIFICAL INSTITUTE OF MEDIAEVAL STUDIES
DEDICATE
THIS VOLUME
TO THE MEMORY OF
LAURENCE KENNEDY SHOOK, C.S.B., O.C.

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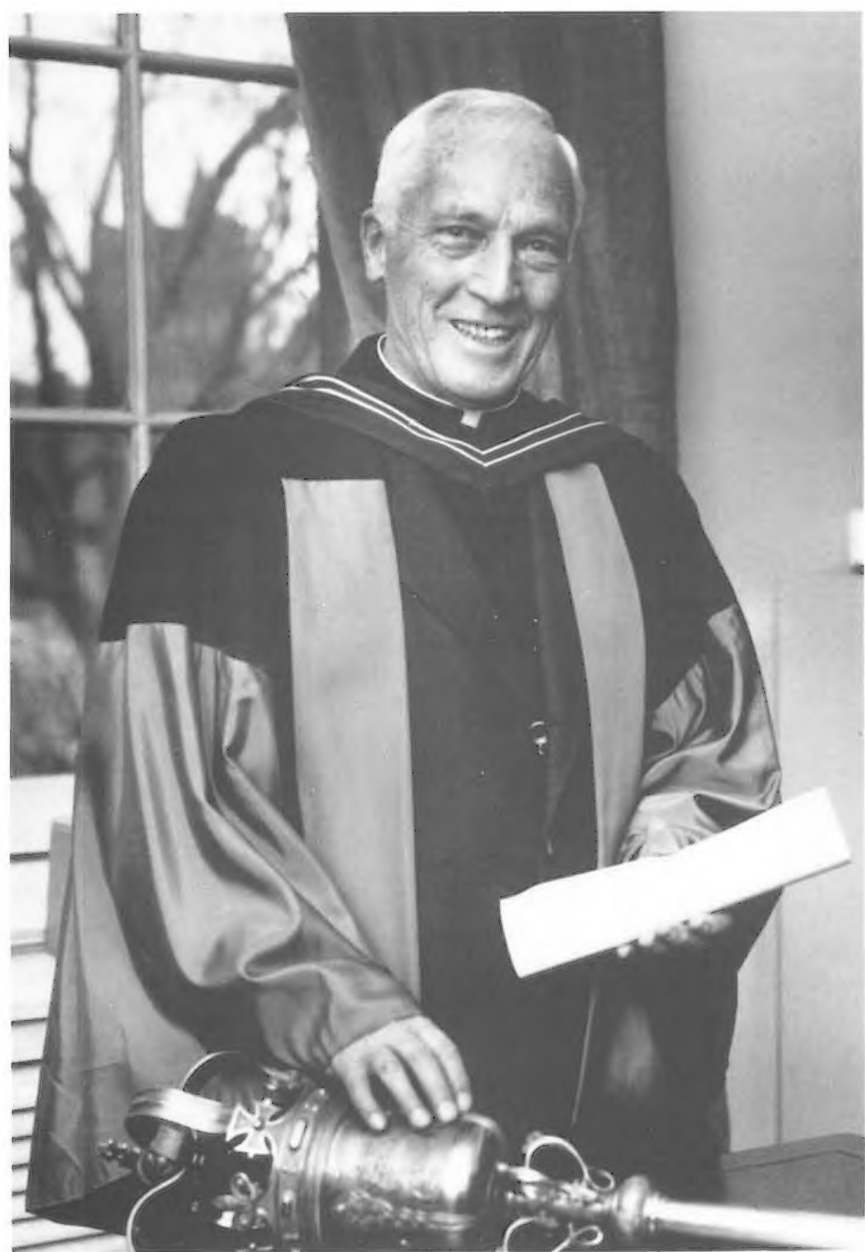
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LAURENCE KENNEDY SHOOK, C.S.B., O.C.
(1909–1993)

James K. Farge, C.S.B.

LAURENCE Kennedy Shook, C.S.B., died suddenly on 23 October 1993 in Toronto, Canada, where he had been born almost eighty-four years earlier, on 6 November 1909. Seventy of those years were spent in the ambit of St. Michael's College, the Pontifical Institute of Mediaeval Studies, and the University of Toronto, all three of which institutions he served with distinctive grace both as professor of medieval English literature and as administrator. His work and influence reached beyond Toronto to embrace both the wider scope of medieval studies in North America and the service of the Church as a priest.

After religious profession in the Congregation of priests of St. Basil (Toronto) in 1926, Laurence Shook took an honours B.A. in English and History and an M.A. in Philosophy from the University of Toronto, with a thesis entitled "The Nature of Analogy." Theological studies from 1932 to 1936 prepared him for ordination to the priesthood on 21 December 1935.

These difficult years of economic depression were exciting ones on the campus of St. Michael's, where the Basilian Fathers had enlisted the services of Étienne Gilson in planning and implementing a new Institute of Mediaeval Studies. Writing Gilson's obituary notice in *Mediaeval Studies* in 1979, Shook described Gilson's legacy at the Institute as "a professional medieval programme of study that is specialized, is interdisciplinary, is subject to one queen, and makes the sensible prerequisite that a medievalist be able to read medieval texts." His friendship with Gilson and their shared hopes for the Institute shaped a good part of Shook's life's work.

From 1936 to 1940, Laurence Shook studied at Harvard University, taking an A.M. (1937) and a Ph.D. (1940) in English philology. His thesis was entitled "Aelfric's *Latin Grammar*: A Study in Old-English Grammatical Terminology." He was a Sheldon Fellow at Harvard in 1940.

Returning to St. Michael's College in Toronto, Father Shook began a thirty-five-year tenure in the Department of English, serving as head of the department from 1942 to 1961. His six years as President of St. Michael's and Superior of the Basilian Fathers of the College (1952–58) had wide-

ranging consequences. He first brought about the integration of St. Michael's and the two women's colleges, St. Joseph's and Loretto, into one institution under a single administration. Then, in 1954, he promoted provincial legislation amending the century-old College Act to enable the conferring of civil degrees in theology. Four years later, in 1958, his careful planning and consultation led to a totally new civil act establishing the University of St. Michael's College as a degree-granting institution in its own right.

As early as 1946, Laurence Shook had been appointed professor *extraordinarius* of vernacular literatures in the Pontifical Institute of Mediaeval Studies, and in 1958 he became professor *ordinarius*. Three years later, the Institute Council elected him as President, and renewed that mandate for a second six-year term in 1967. During these years he clearly articulated the Institute's internal objectives and reorganized what he called its four main areas of scholarly activity: the training of medievalists in the licentiate programme, the accumulation of research resources in a specialized library, the programming of the private and collaborative research of the Fellows and Associates of the Institute, and the publishing of research in a considerably expanded programme of publication. He was instrumental in setting up the Mediaeval Studies Foundation in order to build up an effective financial base for the Institute. With his special genius for cooperation, he worked with the University of Toronto, encouraging the establishment of the University's own Centre for Medieval Studies in 1964, and helped to put in place effective forms of collaboration between the Institute and the Centre.

Shortly after his retirement from the Institute's presidency, the Medieval Academy of America made him a Fellow, and in 1978 elected him President of the Fellows for a three-year term. During this time, his experience with the Institute and with the collaborative programmes in Toronto led other North American universities to consult him when establishing centres or departments of medieval studies. Shook also served on advisory editorial boards of the journals *Mediaeval Scandinavia* and *Medievalia et Humanistica*.

A number of universities in Canada and in the United States awarded honorary degrees to Laurence Shook, among them the University of Toronto during its Sesquicentennial celebration in 1977—the occasion on which the photograph supplied with this notice was taken. In 1975, Laurence Shook was made an Officer of the Order of Canada.

Father Shook's service to the Church ranged from normal ministry in Toronto parishes to a two-year commission during the Second World War as a part-time chaplain in the Royal Canadian Air Force, with the rank of Flight Lieutenant (Hon.). In 1965, he served the Canadian hierarchy as a *peritus* at the final full session of the Second Vatican Council in Rome. There he also began to plan and organize the Canadian bishops' contribution

to the Centenary of Canadian Confederation in 1967, which would take the form of an International Congress on the Theology of the Renewal of the Church. At the Vatican Council, he was able to recruit many of the leading theological *periti* to present to the Toronto Congress their vision of Church renewal. The resulting Congress, which enabled over two thousand participants to hear many of the leading voices of Vatican II, was a memorable event in the history of the Canadian Church. After the Congress, Father Shook edited the proceedings, producing two volumes each in English and French which made available the thought of leading Catholic and Protestant theologians and bishops of the Council era.

Long-time administrative responsibilities sharply lessened Laurence Shook's opportunity for research and publication in his field of Old English, but they turned his attention to the broader scope of higher education in Canada. In 1971, the University of Toronto Press published his *Catholic Post-Secondary Education in English-Speaking Canada: A History*. After his retirement, Shook spent years laying the groundwork for the biography of his friend and colleague Étienne Gilson, and in 1984 he produced a striking monument to both the person and his intellectual life. This work has recently been published in an Italian translation.

Earlier, Laurence Shook had published translations of Gilson's *Héloïse et Abélard* and his *Le thomisme* (as *The Christian Philosophy of St. Thomas Aquinas*). He was working on a translation of the sixth French edition of this book at the time of his death.

Requiescat in pace.

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HENRY OF AVRANCHES: *VITA SANCTI OSWALDI*

David Townsend

I present here an edition of a thirteenth-century hexameter *vita* of Oswald of Northumbria by the prolific and widely patronized versifier Henry of Avranches.¹ The text is extant in two manuscripts, Oxford, Bodleian Library Bodley 40 (henceforth *B*), fols. 57r–72r, and Cambridge, University Library Dd.11.78 (henceforth *A*), fols. 175r–187r, in markedly different versions, of which the Oxford text appears to be a subsequent expansion of the Cambridge version. I will treat the relationship of the two versions of the text below, following discussions of authorship, date, sources, Henry's hagiographical craft, and the codicology of the manuscripts.

THE AUTHORSHIP OF THE TEXT

The authorship of the *Vita sancti Oswaldi* (hereafter the *VO*) is generally accepted as following from the identification of *A* with a manuscript referred to in a marginal gloss in Cambridge, Corpus Christi College 16, which contains the first part of Matthew Paris' *Chronica majora*. Matthew himself supervised the production of this latter codex: most of it is written in his hand, and he has made numerous corrections and marginal annotations.² In the margin, against a notice of the death of William Marshall, Matthew has recorded an epitaph, with the comment, "Plura habentur epitaphia scripta de eo in libro fratris M. Parisiensis quem habet de versibus Henrici de Abrincis."³ The identity of this manuscript with *A* was already recognized

¹ The present project extensively revises and condenses David Robert Townsend, "An Edition of Saints' Lives Attributed to Henry of Avranches" (diss. Toronto, 1985), 1–151. I wish to thank the Bodleian Library and the Syndics of the University Library, Cambridge, for permission to edit the text.

² On all questions of Matthew Paris' hand, the definitive study remains R. Vaughan, "The Handwriting of Matthew Paris," *Transactions of the Cambridge Bibliographical Society* 1, pt. 5 (1953): 376–94. Cambridge, Corpus Christi College 16 appears as item no. 1 (p. 390) in his list of manuscripts containing Matthew's handwriting. On the manuscript as a whole, see Richard Vaughan, *Matthew Paris* (Cambridge, 1958), chap. 4.

³ Matthew Paris, *Chronica majora*, ed. Henry Richards Luard, 7 vols., Rolls Series 57 (London, 1872–83), 3:43–44; Vaughan, *Matthew Paris*, 260.

in the nineteenth century.⁴ All later studies of Henry are founded upon the identification. It is the point of departure for the most important and thorough researcher on Henry, Josiah Cox Russell, whose "Catalogue of the poems attributed to Master Henry of Avranches"⁵ lists the entire contents of *A*, in manuscript order, as items 1–93.

Whether it is sufficiently cautious to take any given text's presence in *A* as in itself sufficient grounds for attribution to Henry is another question, and a conservative reassessment of the evidence for each item in Russell's canon of Henry's verse might set our knowledge of his life and literary output on a firmer foundation.⁶ Recent work on Henry includes some such reevaluation.⁷ I therefore here review the supplementary evidence for the authorship of our text.

At the core of our knowledge of Henry of Avranches and his canon lie five contemporary manuscript ascriptions. These are attached to poems of various length and genre: (a) *Versus de corona spinea*, in *A*, fols. 38r–44v;⁸ (b) *De generacione et corrupcione*, in *A*, fols. 156r–165r;⁹ (c) *De milite et clerico*, in *A*, fols. 167v–169r;¹⁰ (d) *Vita sancti Francisci (VF)*, in *A*,

⁴ See David Townsend and A. G. Rigg, "Medieval Latin Poetic Anthologies [MLPA] (V): Matthew Paris' Anthology of Henry of Avranches (Cambridge, University Library MS. Dd.11.78)," *Mediaeval Studies* 49 (1987): 354 and n. 10.

⁵ Josiah Cox Russell and J. P. Heironimus, *The Shorter Latin Poems of Master Henry of Avranches Relating to England* (Cambridge, Mass., 1935), xiii–xxiii.

⁶ For a thorough consideration of the codicological evidence, and an argument for a conservative approach to the attribution of individual poems, see Townsend and Rigg, "MLPA (V)," 352–90 (passim). A more generalizing approach to attribution, on the other hand, is advocated by Peter Binkley, "Thirteenth-Century Latin Poetry Contests Associated with Henry of Avranches" (diss. Toronto, 1990), chap. 6, partly on the basis of new internal textual evidence for the attribution of various items.

⁷ In addition to the studies cited in the preceding note, see Konrad Bund, "Untersuchungen zu Magister Heinrich von Köln, dem Abschreiber der Abreviatio de animalibus des Avicenna (1232), und zur Frage seiner Identifizierung mit dem Dichter Magister Heinrich von Avranches," *Jahrbuch des Kölnischen Geschichtsvereins* 53 (1982): 1–20; idem, "Mittelrheinische Geschichte des 13. Jahrhunderts im Spiegel der Dichtung: Untersuchungen zum Gedichtfragment Nr. 116 und zur Vita des mittellateinischen Dichters Magister Heinrich von Avranches," *Archiv für Frankfurts Geschichte und Kunst* 59 (1985): 9–78.

⁸ David Townsend, ed., "The 'Versus de corona spinea' of Henry of Avranches," *Mittel-lateinisches Jahrbuch* 23 (1988): 154–70. The poem is attested by formal rubrics: "Versus magistri .h. abrincensis de corona spinea. de cruce. et ferro lancee quibus rex Iodowicus franciam insigniuit" (fol. 38r); "Expliciunt uersus magistri h. abrincensis [sic] de nobilibus reliquiis a deo datis francie" (fol. 44v).

⁹ Edition by Anna Kirkwood forthcoming. The poem is attested by marginal rubric at the end of the prologue: "Incipit liber de generacione 7 corrupcione metriche compositus a magistro .h. abrincensi poeta" (fol. 156v).

¹⁰ Hans Walther, *Das Streitgedicht in der lateinischen Literatur des Mittelalters*, 2d ed. by Paul Gerhard Schmidt (Hildesheim, 1984), 250–53. The notation "magister H. de abrincis" is added in a more cursive script immediately above the marginal rubric title of the poem, which is the second of two consecutive pieces on the theme.

fols. 200r–238r;¹¹ (e) To William of Trumpington, Abbot of St Alban's, in London, British Library Cotton Nero D.i, fol. 145r.¹² Four of these core texts appear in *A* and the fifth in the hand of Matthew Paris, who compiled *A*. In addition to these five poems at the heart of Henry's canon, other works whose authorship is secure give us a chronology of Henry's career.¹³

¹¹ "Henrici Abrincensis Legenda S. Francisci versificata," ed. PP. Collegii S. Bonaventurae, *Analecta Franciscana* 10 (1926–41): 405–521; also printed as Henry of Avranches, *Legenda versificata S. Francisci Assisiensis* (Quaracchi, 1936). The poem is attested by initial rubric in the same hand as the text: "Super uita beati francisci uersus magistri henrici abrincensis ad gregorium papam nonum" (fol. 200r). (The *A*-text is a revision of an earlier version extant in Assisi, Biblioteca Comunale 338, fols. 54r–71v, without attribution, and Versailles, Bibliothèque Municipale 8, fols. 73r–105v, with an attribution to Henry in the prose prologue.)

¹² Russell and Heironimus, *Shorter Latin Poems*, 100. The poem is attested by rubric at the head of the poem: "Magister henricus de abrincis."

¹³ The epitaph(s) on William Marshall would have dated from 1219, the year of the subject's death, or shortly thereafter. The *Vita sancti Thome*, a contorted composition which might well suggest a first effort at a major hagiographical poem, probably dates from 1222 and is written, as the prologue attests, with Langton's circle in mind (Townsend and Rigg, "MLPA [V]," 360). By the mid-1220s, Henry has established a stable hagiographical style shared by several works: Henry wrote the *VO* in or soon after 1227 (below, p. 6). The *Vita sancti Birini* probably dates from about the same period as the *VO* (Townsend, "An Edition of Saints' Lives," 152–55). The *Vita sancti Hugonis* could date from any time after Hugh's canonization in 1220. The *Vita sancti Guthlaci* probably dates from the 1220s, although its absolute *terminus ad quem* is 1237, the death of its patron, Henry Longchamp of Croyland. In any case, Henry had left England for the papal court by the early 1230s and composed the *VF* around 1234 (Henry of Avranches, *Legenda versificata*, iii–iv). Russell posits the 1232 visit to the Curia on the strength of evidence from poems he assigns to Henry ("Master Henry of Avranches" [diss. Harvard, 1926], 159–62); the 1234 visit hinges on the entirely plausible identification of our Henry with one Henry, canon of Avranches, who is the subject of a papal bull dated 12 April 1234 (*ibid.*, 165–68). The more reliable evidence for 1234 perhaps renders it the preferable date.

On the basis of the saints' lives, and taking the life of Thomas as an early effort, one might suggest that Henry was born around 1200. *De generatione et corruptione* could possibly be assigned to a period of formal studies in Henry's youth and so would date from somewhere in the middle of the century's second decade (Russell dates the poem later, between 1220 and 1225: *Shorter Latin Poems*, 101–2), as does a debate between Rome and Innocent which may be Henry's and which certainly dates from 1215 (*A*, fols. 96r–104v, ed. G. W. Leibnitz, *Scriptores rerum Brunsvicensium illustrationi inservientes* II [Hannover, 1710], 523–32; the poem must date before the Lateran Council's acceptance of Frederick as emperor in 1215). It is plausible that Henry embarked on a career as a professional poet, working in solicitation of his patrons' favors and sometimes on their prior commissions, shortly before 1220. Konrad Bund, who contends that the attributions of individual poems are secure on internal textual evidence, argues that Henry was in Germany in the early to mid-1220s (Konrad Bund, "Der 'Tractatus de Epiphania Domini': Ein unbekanntes Gedicht Magister Heinrichs von Avranches aus der Frühzeit der Kölner Dreikönigenverehrung," *Kölner Domblatt* 57 [1992]: 140). In any case, after writing a series of increasingly sophisticated saints' lives in England in the latter 1220s, Henry wrote the *VF*, his most ambitious single effort, in the early 1230s, for the reigning pope. At this point he was probably canon of Avranches. About the same time he wrote several short poems for the Emperor Frederick II (Bund, "Untersuchungen," 12). In or shortly after 1241 (the arrival of the Crown of Thorns in Paris) he addressed Louis IX in his *Versus de corona spinea* (Townsend, "The 'Versus de corona spinea,'" 157).

A number of items preserved in the English Public Record Office flesh out our knowledge of the poet's biography, attesting his association with the English court from 1243 to 1262.¹⁴ Michael of Cornwall's verse invective against Henry provides some biographical material as well.¹⁵

Though neither *A* nor *B* records any contemporary attribution for the *VO*, both external and internal evidence beyond the *VO*'s simple presence in *A* strengthen the attribution of the text. In M. R. James's edition of the late fourteenth-century *Matricularium* of the library of Peterborough Abbey, item 218 (shelfmarked N.x) contains "Versus Mag. Henrici de Vita S. Oswaldi et aliorum in vno quaterno."¹⁶ The Peterborough manuscript can be identified with neither *A* nor *B* (on this, see p. 24 below), and the *Matricularium* entry does not specify the author as Henry of Avranches; but the prologue of the *VO*, in dedicating the work to the abbot and chapter of Peterborough, alludes to the care with which the sacristan Simon had bound the author's poems, and to his persistence in asking for more verses (ll. 79–84). A number of entries in the *Matricularium* seem to refer to poems by Henry of Avranches, albeit with the author's name in some instances corrupted.¹⁷ It thus seems altogether reasonable to accept the Peterborough catalogue's entry as referring to our text and author.

¹⁴ Josiah Cox Russell, "Master Henry of Avranches as an International Poet," *Speculum* 3 (1928): 55–58; Binkley, "Thirteenth-Century Latin Poetry Contests," 28–35.

The English public records establish Henry's more or less continuous presence in England from 1243 until 1262. On 30 March 1244 a Liberate roll orders a payment of 6 pounds "ad acquietand(as) expensas Magistri Henrici versificatoris" from 20 October 1243 to 5 April 1244. It is stated that he is to receive 20 shillings per month "quamdiu steterit in servicio nostro per preceptum nostrum" (Russell, "Master Henry of Avranches as an International Poet," 55). On 7 March 1245 he is paid for the composition of lives of Saints Edward and George. (These have not been identified as extant.) Payments are also recorded for 14 July 1251, 14 June 1252, and 22 June 1253. On 10 February 1255 a daily allowance of 3 d. is granted "quamdiu vixerit." On 13 September 1256 his allowance is increased to 6 d. The last record of Henry registers a gift made to him of a robe on 8 June 1262. One assumes on the basis of his disappearance from the rolls that Henry died only a few years after Matthew Paris (d. 1259), whose attention Henry had attracted during their years of peak activity.

¹⁵ For Michael of Cornwall's surviving half of his verse debates with Henry before prestigious audiences in the mid-1250s, see Alfons Hilka, ed., "Eine mittellateinische Dichterfehde: Versus Michaelis Cornubiensis contra Henricum Abrincensem," in *Mittelalterliche Handschriften: Paläographische, kunsthistorische, literarische und bibliotheksgeschichtliche Untersuchungen: Festgabe zum 60. Geburtstag von Hermann Degering*, ed. Alois Bömer and Joachim Kirchner (Leipzig, 1926), 123–54; see also Binkley, "Thirteenth-Century Poetry Contests," 9–12.

For a concise biographical sketch of Henry, see Peter Binkley, "Henry of Avranches," in *DNB: Missing Persons* (Oxford, 1993), and for a somewhat fuller treatment, see A. G. Rigg, *A History of Anglo-Latin Literature, 1066–1422* (Cambridge, 1992), 179–93.

¹⁶ M.R. James, *Lists of Manuscripts Formerly in Peterborough Abbey Library* (Oxford, 1926), 8 (dating of the *Matricularium*) and 61 (entry for N.x.).

¹⁷ The references include 102 (M.v.: "Vita S. Hugonis Lincoln. Ep. versifice sec. Mag.

Internal corroboration of authorship may be found in textual correspondences between the *VO* and works in the core canon. The prologue of the *VO* bears marked similarities to that of the *VF* (1.1–25):

Gesta sacri cantabo ducis, qui monstra domandi
 Primus adinvenit tribuitque Minoribus artem;
 Neve, quasi lucens aliis sibimetque lucerna
 Deficiens, proprio vibraret lumina damno,
 Actus praemittens monitis exemplaue verbis,
 Carnem praeceptis animae frenavit, et hostem
 Nutibus internis pessumdedit, et pede nudo
 Mundum calcavit. Veteres iam fama triumphos
 Saevitiis partos et materialibus armis
 Parcius extollat: plus enituere moderni!
 Nam quid respectu Francisci Iulius, aut quid
 Gessit Alexander memorabile? Iulius hostem
 Vicit, Alexander mundum, Franciscus utrumque.
 Nec solum vicit mundum Franciscus et hostem,
 Sed sese, bello vincens et victus eodem.

O Christi miles, qui solus stigmata Vitae
 Morte triumphantis vivens in mente latenter
 Et moriens in carne palam, Francisce, tulisti,
 Vatis opus tibi sume tui, celsaeque canendis
 Militiae titulis humilem dignare Minervam!

At tu, sancte pater, bone pastor, None Gregori,
 Qui pro peccato gregis orans, qui gregis oris
 Invigilans tanti mensuram nominis imples,
 Da mihi te placidum, precor, oblatamque libenter
 Suscipe dignanter minimam rem, maxime rerum!¹⁸

The two prologues employ similar tripartite structures, beginning with a statement of theme in the epic tradition and continuing with an invocation to the saint and a petition for the indulgence of the poet's patron. The announcement of theme, moreover, includes in both cases a comparison of the saint to various classical heroes, each of whom is famed for only one aspect of the Christian warrior's multiple achievement. The allusions to Caesar and Alexander in the *VF* (1.11–15) reappear in the *VO*, together with a reference to Hercules (ll. 24–27).

H. de Hariench"; "Certamen inter Regem I. et Barones versifice per Mag. H. de Hariench"), 239 (L.xi: "Versus de Decretis sec. Henricum de Hamerincham [ham'inch]. Versus eiusd. de Decretalibus. Versus de Decretis cum sentenciis eorundem"), 240 (M.xi: "Altercacio inter Mag. Henr. de Hamrincham et Mag. Michaellem versifice"), and 243 (P.xi: "Tropi Mag. P. [sic] Ab(r)incensis de B. Virgine"). 245 (R.xi) contained Michael of Cornwall's half of his debate with Henry: "Versus Mag. Michael Cornubiensis contra Mag. H. Abrin(c)ensem."

¹⁸ "Henrici Abrincensis legenda S. Francisci versificata," 407–8.

We find more compelling internal evidence for the authorship of the *VO* in the exact or near-exact correspondence of several passages to lines from the *Versus de corona spinea*. *VO* 380–88 compare closely to *Versus* 232–39; *VO* 394–98 are identical to *Versus* 268–72; and *VO* 409–19, with 414 omitted, are repeated as *Versus* 284–93. Thus affinities with two of the core ascriptions, supported by the evidence from the Peterborough catalogue, give the *VO* a solid secondary standing in Henry's canon.

THE DATE AND SETTING OF THE TEXT

The prologue of the *VO* provides a wealth of specifics on the work's original audience and date. After the invocation to Oswald and before the closing appeal to the convent of Peterborough Abbey at large, Henry addresses Abbot Martin, Prior Roger, Simon the sacristan, and one Walter who seems recently to have filled a position previously held by Simon.¹⁹ The approving tone of lines 1107–14, which relate the *furtum sacrum* of Oswald's arm, corroborates the prologue's establishment of the setting. Martin was elected abbot on 2 December 1226 and was received in his office at Peterborough on the Sunday in the octave of Epiphany the following month. He died on 25 June 1233.²⁰ Roger and Simon cannot be traced or dated in external sources. Paul Grosjean suggested that Henry's Simon became prior of Spalding in 1229;²¹ but Russell took this conjecture as established fact and so fixed 1229, rather than Martin's death in 1233, as his *terminus ad quem*.²² He further surmised that Simon's appointment to the sacristan's office may have followed shortly after Martin's assumption of the abbacy, and that "following three higher offices of the monastery, Walter would probably be a fourth, almoner or cellarer, both of great significance to a poet for their control of gifts."²³ Both these speculations may be correct, and the latter would conveniently explain the identity of Walter, but one goes too far in concluding that the *VO* dates from 1227 precisely.

SOURCES FOR A LIFE OF OSWALD

The hagiography of Oswald begins with book 3, chaps. 1–3, 6, and 9–13, and book 4, chap. 14 of Bede's *Historia ecclesiastica* (*HE*). Much of the

¹⁹ See the note on l. 86 below.

²⁰ Thomas Stapleton, ed., *Chronicon Petroburgense* (London, 1849), 9 and 13.

²¹ Paul Grosjean, "Magister Henricus de Abrincis Archipoeta," *Studies: An Irish Quarterly Review* 17 (1928): 303.

²² *Shorter Latin Poems*, 118.

²³ *Ibid.*, 117.

later tradition consists of verbatim transposition, paraphrase, or rearrangement of Bede's text. Reginald of Coldingham's prose life in the twelfth century and Henry's verses in the thirteenth are the two notable exceptions.²⁴ Henry's text cannot be shown to derive directly from any previous prose source, a situation unique among Henry's verse *vitae*. Perhaps an undiscovered prose model does exist; but affinities with several previous treatments, as well as the existence of two markedly different versions of our text, might suggest instead that Henry has here addressed the tradition more freely than elsewhere in his corpus.

Alcuin's poem on the church of York significantly reduces Bede's biographical material and rearranges the miracle stories.²⁵ In the tenth century Aelfric's vernacular homily provides a concise chronologically arranged account of Oswald's career, of which the posthumous miracle stories form the usual extension.²⁶ Drogo, a monk of the Flemish house of Bergues-Saint-Winnoc in the second half of the eleventh century, compiled the life printed in the *Acta Sanctorum*, largely transposing Bede verbatim but adding a prologue, a first chapter derived materially from Bede but recast in Drogo's own language, and a number of smaller interpolations.²⁷ These latter introduce biblical comparisons, moralize the events of Oswald's life, provide rhetorical flourishes, or elaborate Bede's account with hagiographical commonplaces.

The text by Reginald of Coldingham (also known as Reginald of Durham) appeared about a century later, in 1165.²⁸ Reginald, a Durham monk, also wrote lives of Ebba, Cuthbert, and Godric. He lived with the latter for a time and was also a friend of Ailred of Rievaulx. The prolix, repetitive, and rhetorically mannered life of Oswald is divided into three books and comprises sixty-eight chapters in all. Any real sense of the work's structure is obscured by the considerable duplication of material, often at some remove from its first appearance, and by an egregious disregard of chronological

²⁴ For an overview of sources, see Robert Folz, "Saint Oswald roi de Northumbrie: Étude d'hagiographie royale," *Analecta Bollandiana* 98 (1980): 49–74.

²⁵ Alcuin, *Versus de patribus regibus et sanctis Euboricensis ecclesiae*, ll. 234–506, ed. Peter Godman, *Alcuin: The Bishops, Kings, and Saints of York* (Oxford, 1982), 24–44.

²⁶ G.I. Needham, ed., in *Aelfric: Lives of Three English Saints* (London, 1966), 27–42.

²⁷ For Drogo and his work, see N. Huyghebaert, "Un moine hagiographe: Drogon de Bergues," *Sacris Erudiri* 20 (1971): 191–256. Further information on the cult of Oswald at Drogo's monastery can be found in Nicolas Huyghebaert, "Les deux translations du roi saint Oswald à Bergues-Saint-Winnoc," *Revue Bénédictine* 86 (1976): 83–93. The life of Oswald is found in *Acta Sanctorum*, August II (Paris and Rome, 1867), 94–103.

²⁸ *Symeonis monachi Opera omnia*, ed. Thomas Arnold, 2 vols., Rolls Series 75 (London, 1882–85), 1:326–85. The edition is incomplete. Arnold has, however, included the work's list of *capitula*. For some of what follows on Reginald, see Robert Folz, "Saint Oswald," 54–57, and the *DNB*, s.v. "Reginald of Coldingham."

order. Conceits in Drogo's text appear again in Reginald, whether drawn directly from Drogo or from an intermediate source. Thus we find again an emphasis upon Oswald's royal genealogy, here considerably expanded,²⁹ and a contrast between the paganism of Oswald's ancestors and his own Christianity; in this context both authors use the metaphor of the rose brought forth among thorns.³⁰

Among his new elements, Reginald draws Oswald's vision of St. Columba in chapter 42 from the first chapter of Adomnan's life of Columba.³¹ Much of the genealogical material not derived from Bede can also be found in the *Libellus de primo Saxonum vel Normannorum adventu*.³² Most of the new material, however, is not so easily traceable. Reginald refers several times to his sources; in some other cases the nature of the material suggests an oral derivation. Chapter 1 opens with a general reference to Reginald's search through a variety of written sources.³³ Chapter 45, the prologue of book 2, explains how Reginald came to compose the work. Having heard of a recent miracle attributed to St. Oswald, to which story a fellow monk had something more to add, Reginald began his research and soon gained the fortuitous assistance of a visiting monk who not only corroborated the testimony of Reginald's first informant but added as well accounts of things "quae ipse oculis suis viderat,"³⁴ primitive records of which were to be found at Bardney. Finally, Reginald has added to this information a story (chapter 49) that he had learned "a domino Rievalensi"—presumably from Ailred.³⁵ Chapter 50 purports to be a translation from old vernacular English books. At the beginning of chapter 43 Reginald tells us that he has included material hitherto not reduced to writing.³⁶ Oral origins are evident, for example in

²⁹ Drogo, chap. 1, p. 94F; Reginald, chaps. 1–2.

³⁰ Drogo, chap. 1, p. 94F; Reginald, chap. 8.

³¹ Alan Orr Anderson and Marjorie Ogilvie Anderson, ed. and trans., *Adomnan's Life of Columba*, rev. Marjorie Ogilvie Anderson, (Oxford, 1991), 14–16.

³² *Symeonis monachi Opera* 2:365–84. For the genealogical material, see 2:378–79. The *Libellus* is extant in British Library, Cotton Domitian VIII and Caligula A.viii, Oxford, Magdalene College 53, and Durham Cathedral B.XI.35.

³³ "Veteres caelestis depositi thesauros libet effodere, in quibus nosse poterimus caelestium pigmentorum aromata emanando ebullire. Fodiamus igitur studio pietatis, et quam citius poterimus discretionis naribus pertingere ad odorem notitiae veritatis. Nec aliunde quam Oswaldo nostro sumamus veridicae locutionis exordium, sicut excerpere poterimus de discretis membranulis et multimodis historiarum, Oswaldus etenim noster floret ut palma virtutis, redolet sicut rosa dulcedinis, splendetque sicut gemma perspicuae et perinae claritatis" (*Symeonis monachi Opera* 1:338).

³⁴ *Symeonis monachi Opera* 1:372.

³⁵ Ibid. (chap. 45, referring to chap. 49.)

³⁶ "Virtutes sancti Oswaldi cunctas describere perlongum esset et supervacuum. Perlongum eo quod multae sunt; supervacuum idcirco quod alias et ab aliis plenissime descriptae sunt. Unde nos non alia hic depingendo posteris commendavimus, quam quae non hactenus scripta fuisse didicimus, vel quae nuper patrata per eum a testibus veridicis comperimus" (ibid. 1:368).

chapter 10, which describes a miracle that seems to duplicate *HE* 4.14 with variations; one would expect just this sort of transformation in the course of oral transmission. Chapter 17, which relates Oswy's recovery of Oswald's arm after it had been carried off by an enormous raven, has a decidedly folkloric quality.³⁷

Affinities of Henry's text with some of these previous links in the tradition reflect his wider hagiographical practice, which consists entirely of secondary versifications; but the apparent looseness of the connection to earlier texts suggests that the *VO* represents an anomaly among his efforts in the genre, the rest of which follow a given prose text more directly. The comparison of Henry's use of models elsewhere with his mode of operation in the *VO* brings us to the question of his hagiographical craft in general and its relation to our present text.

HENRY'S HAGIOGRAPHICAL CRAFT

In the canon of works that Russell attributed to Henry there are, in addition to the *VF* and the *VO*, six full-length saints' lives whose authorship can be secured on a combination of external and internal textual evidence. The lives of Birinus and Guthlac share direct verbal borrowings from items in the core canon; the lives of Hugh, Edmund, and Fremund contain close verbal echoes of core texts and share hallmarks of Henry's narrative style.³⁸ The life of Thomas Becket, with which *A* opens, is stylistically anomalous among Henry's hagiographical works but follows immediately upon the marginal note in *A*, "Versus magistri H."³⁹

Scholars since Russell have tended to follow his lead in viewing Henry as a wandering poet, a polymath craftsman prepared to turn nearly any subject into verse in his search for patronage and temporary support from those to whom his works were addressed. The wholesale attribution of the numerous short poems in *A*, many of which are flattering requests for favour, reinforces the impression of a peripatetic existence, as does the acceptance of the fourth part of London, British Library Cotton Vespasian D.v (Russell's *D*) as "the second great collection of the poems of Master Henry of Avranches"⁴⁰ (items 104–58 of Russell's catalogue). The variety

³⁷ Folz, "Saint Oswald," 56 and n. 40.

³⁸ Townsend and Rigg, "MLPA (V)," 370, 371–72; Townsend, "An Edition," 14–21.

³⁹ Townsend and Rigg, "MLPA (V)," 360.

⁴⁰ *Shorter Latin Poems*, 11. Russell's ascription dismisses the notation in the hand of Richard James at the head of the booklet, "Michaelis Cornubiensis Poemata." See more recently Peter Binkley, "Medieval Latin Poetic Anthologies (VI): The Cotton Anthology of Henry of Avranches (B.L. Cotton Vespasian D.v, fols. 151–184)," *Mediaeval Studies* 52 (1990): 221–54.

of patrons in Germany, England, France, and Italy encourages Russell's emphasis on internationalism, while the poems on grammar and canon law attributed to Henry highlight the polymorphous diversity of his output. The perspective has its justifications. Variety of topic and geographical mobility both mark Henry's career.

What does not emerge from Russell's treatment, however, is the over-riding centrality of hagiography in the poet's oeuvre. The *VF* is dedicated to Henry's most influential patron and overwhelms the four other core ascriptions by sheer length, to say nothing of its high literary quality. At the same time, the composition of *A* is chiefly hagiographical: to leave aside the minor hagiographical pieces,⁴¹ the full-length *vitae* take up about 150 of the manuscript's 238 folios. Apart from the contents of *A*, the life of Hugh⁴² represents yet another major work of greater length (over 1300 lines) than any of the five works with contemporary attributions save for the *VF*.

Even as subsequent reassessment of the canon establishes Henry's clear title to more of Russell's non-hagiographical items, the adjustments in perspective cannot drastically alter the sheer quantitative predominance of hagiography; nor do the longer saints' lives, as individual literary undertakings, face any serious rivalry from the pieces awaiting reassessment. It is reasonable, and will in all probability remain so, to think of Henry of Avranches primarily as a hagiographer.

Henry's versified hagiography comes near the end of a long Latin tradition, most of whose texts retell legends already available in often more directly edifying prose. With Venantius Fortunatus's reworking of the life of Martin of Tours the practice had already gained a great exponent.⁴³ It flourished in early England with Bede's and Alcuin's *opera geminata* on the lives of Cuthbert and Willibrord, respectively.⁴⁴ In late Anglo-Saxon times it took a perversely abstruse turn in such works as Frithegod's *Breviloquium* based

⁴¹ On these see Townsend and Rigg, "MLPA (V)," 361, 364, and 372–73.

⁴² J. F. Dimock, ed., *Metrical Life of St Hugh, Bishop of Lincoln* (Lincoln, 1860); Charles Garton, ed. and trans., *The Metrical Life of Saint Hugh of Lincoln* (Lincoln, 1986).

⁴³ Fridericus Leo, ed. *Venanti Honori Clementiani Fortunati presbyteri italici Opera poetica*, MGH Auct. ant. 4 (Berlin, 1881), 293–370.

⁴⁴ Bertram Colgrave, ed., *Two Lives of Saint Cuthbert: A Life by an Anonymous Monk of Lindisfarne and Bede's Prose Life* (Cambridge, England, 1940); Werner Jaeger, ed., *Bedas metrische Vita sancti Cuthberti* (Leipzig, 1935); Alcuin, *Vita Sancti Willibrordi*, ed. E. Dümmler, MGH Poet. Lat. 1 (Berlin, 1881), 207–20 (verse); and W. Levison, MGH Script. rer. Mer. 7 (Hannover and Leipzig, 1920), 81–141 (prose). On the practice of *geminus stilus*, see Gernot Wieland, "Geminus Stilus: Studies in Anglo-Latin Hagiography," in *Insular Latin Studies*, ed. Michael Herren, Papers in Mediaeval Studies 1 (Toronto, 1981), 113–33; Peter Godman, "The Anglo-Latin *Opus Geminatum*: From Aldhelm to Alcuin," *Medium Aevum* 50 (1981): 215–29.

on Stephan of Ripon's life of Wilfrid.⁴⁵ The works of Marbod of Rennes, Hildebert of LeMans's versification of Jerome's prose romance of Mary of Egypt, and Reginald of Canterbury's slightly later *Vita sancti Malchi*, also based on Jerome, bring the tradition into the literary milieu of the central Middle Ages.⁴⁶ A little later in England, Gregory of Ely's verse life of Aetheldreda from about 1120 recounts the story of an early English saint for an audience whose interest in the patron of a great monastic centre must have involved some element of antiquarian fascination.⁴⁷

All Henry's saints' lives fall into this general tradition of secondary verse treatment, and the *VO*, like the lives of Birinus, Guthlac, Edmund, and Fremund, retells the life of an Anglo-Saxon saint with an established hagiographical tradition. The life of Thomas, like the lives of Hugh and Francis, treats a more recent figure who nevertheless had already received ample literary attention in more directly informative prose. Henry relies demonstrably upon identified texts in nearly all the *vitae*: only the *VO* follows the outline of previous tradition without modelling itself upon a specific (identified) text. Henry's habits of adaptation, however, elude easy summary: his adherence to models and the flexibility of his relations to *materia* vary from work to work, providing a wide sampling of the possibilities open to the *versificator* of his day. We can, however, point out as hallmarks some features shared by several of the texts.

The *VF* follows Thomas of Celano's first prose life as its single source, but with considerable freedom of emphasis, especially in regard to the saint's posthumous miracles, which Henry for the most part omits.⁴⁸ Henry's digressions and elaborations testify to a confident and workmanlike facility in adapting a source text to the generic requirements of hagiographical epic, as for example at *VF* 1.127–208 and 2.17–149.⁴⁹ His superimposition of the epic framework is evident at the most overarching structural level in his division of the material into fourteen books, whose initials give the name of his patron, *Gregorius Nonus*, as an acrostic, and his provision of four hexameters of summary at the head of each book. Henry has clearly borrowed such gestures from the *Alexandreis* of Walter of Châtillon.⁵⁰

⁴⁵ Alistair Campbell, ed., *Frithegod's monachi Breuiloquium vitae beati Wilfredi et Wulfstani cantoris narratio metrica de sancto Swithuno* (Zürich, 1950).

⁴⁶ PL 171 (Marbod and Hildebert); Levi Robert Lind, ed., *The Vita Sancti Malchi of Reginald of Canterbury* (Urbana, 1942).

⁴⁷ Pauline A. Thompson and Elizabeth Stevens, eds., "Gregory of Ely's Verse Life and Miracles of St. Aethelthryth," *Analecta Bollandiana* 106 (1988): 333–90.

⁴⁸ "Praefatio" to "Henrici Abrincensis Legenda S. Francisci versificata," in *Analecta Franciscana* 10, p. lii.

⁴⁹ "Henrici Abrincensis Legenda S. Francisci versificata," 411–13 and 415–19.

⁵⁰ Marvin L. Colker, ed., *Galteri de Castellione Alexandreis* (Padua, 1978). The initials

The *Vita sancti Birini* (*VB*) follows the eleventh-century prose life of Birinus that was the saint's first major literary monument.⁵¹ The adaptation remains fairly close for long passages of the text. Henry's verse reproduces the standard commonplaces of hagiographical panegyric, which take up a substantial portion of the model. Echoes of specific vocabulary and the typological use of unusual biblical citations further emphasize Henry's debt to his source. At the same time, the verse life adds substantially to its model at ll. 136–54, in a passage which treats Birinus's combination of the active and contemplative lives, plausibly suggesting the spirituality of the new mendicant orders. At *VB* 415–525 Henry's Birinus preaches a long catechetical homily without parallel in the prose text.

The *Vita sancti Guthlaci* (*VG*) depends on Peter of Blois's prose revision of the life first written by Felix of Croyland in the early eighth century.⁵² The commission of both Peter's and Henry's texts by Abbot Henry de Longchamps places the prose and verse versions of the *vita* in especially close proximity. The question of the relation between the two works is thus very sharply raised, much as it is in the case of the *opera geminata* of the early Anglo-Latin tradition about the time of Felix himself.⁵³

of Walter's ten books likewise spell out *Guillermus*, his patron's name, and Walter provides ten lines of versified *capitula* at the head of each book.

⁵¹ David Townsend, ed., "An Eleventh-Century Life of Birinus of Wessex," *Analecta Bollandiana* 107 (1989): 129–59. My new edition of Henry's adaptation (based on Townsend, "An Edition," 152–204) is forthcoming in *Analecta Bollandiana*. My editions of the lives of Guthlac, Fremund (n. 60 below), Edmund, and Thomas (based on Townsend, "An Edition," 205–351) are also completed and await publication. Subsequent references to line numbers in Henry's *vitae* refer to these editions.

⁵² Peter's version is edited by Carl Horstman, *Nova legenda Anglie*, vol. 2 (Oxford, 1901), 698–719; Henry's text is in Whitney French Bolton, "The Middle English and Latin Poems of Saint Guthlac" (diss. Princeton, 1954), 1–123.

⁵³ The bulk of Henry's poem follows Peter's prose phrase for phrase, not only in narrative detail but in the adaptation of *discursus*, such as that contrasting the lives of anchorite and monk at ll. 206–50 and that condemning ambition at ll. 635–57. Henry also takes over from Peter most of his numerous biblical citations. The notion that Henry intends his work as a versified twin of Peter's version breaks down, however, with a number of significant and substantial departures from the principal prose model, both to move behind it to Felix and to include original material. Genealogical details unparalleled in Peter's version establish at the poem's very beginning (ll. 16 and 20) that Henry uses Felix's life of Guthlac as an independent source. More extensive use of the eighth-century text occurs at ll. 427–52, where Henry adapts Felix's detailed and colourful description of the demons who assault the saint, in contrast to Peter's substitution of a more conventionally pious biblical catena. Henry adds blocks of wholly original material as well, for example the similes at ll. 266–76 and 971–81 and an exclamation on avarice at ll. 1117–31. We find, in addition to these rhetorical amplifications, narrative episodes derived neither from Felix nor from Peter, notably the recovery of a lost psalter at ll. 453–58 and Guthlac's temptation by the Devil in the guise of the saint's sister Pega in ll. 694–740. A long discourse at ll. 796–925 elaborates Peter's minimal precedent for a lecture to Guthlac's demonic tormentors. It recalls the similarly doctrinal amplification of *VB* 415–525, but in contrast to the mostly patristic terminology

The *Vita sancti Hugonis* (*VH*) is based principally on the *Magna vita sancti Hugonis* of Adam of Eynsham,⁵⁴ but Henry also uses the life by Gerald of Wales,⁵⁵ particularly in passages at ll. 604–10, 734–822, 974–1005, 1055–61, 1106–35, and 1191–1205;⁵⁶ he seems as well to have had access to papal commissioners' reports from the canonization process.⁵⁷ Henry extends the narrative through the translation ceremony of 1220;⁵⁸ he adds to his sources an extensive passage (ll. 833–965) on Hugh's rebuilding of Lincoln Cathedral in 1192.⁵⁹

The *Vita sancti Fredemundi* (*VFr*) follows a prose text almost certainly dating from the twelfth century.⁶⁰ Direct verbal echoes clearly establish the derivation, as at ll. 334–42, 353–56, 389, and 436. Henry's practice sometimes involves noticeable *abbreviatio* of his material, requiring reference to the prose source for clarification at points such as ll. 142, 328, 391–97, 436–37, 452–54, and 478. Henry's amplifications of the source include both expansion of narrative detail and the insertion of commonplaces, for instance at ll. 151–56, 230–60, 308–13, 398–400, and 483–85.

Correspondences of wording, biblical allusion, and narrative establish the reliance of the *Vita sancti Edmundi* (*VE*) on the tenth-century life of Edmund by Abbo of Fleury; but Henry adapts Abbo more loosely than any of his other sources, entirely omitting substantial portions of his model.⁶¹ Apostrophe as a device of amplification figures at ll. 312–27:

O fera lenarum soboles! Ve matribus illis
 que conculcato uos peperere sinu!
 Iste quid offecit, uestri saciare furoris
 ne qua sitim possit sanguinis unda sui?
 (Patribus orbavit uos forsán, Ynguar et Hubba—
 uos ursi, uestros dii genuere duces:

of Birinus's homily, Henry's Guthlac is prophetically conversant with the more Aristotelian categories of scholasticism.

⁵⁴ Decima L. Douie and David Hugh Farmer, eds., *Magna vita sancti Hugonis: The Life of St Hugh of Lincoln*, 2 vols., reprinted with corrections (Oxford, 1985).

⁵⁵ Gerald of Wales, *The Life of St. Hugh of Avalon, Bishop of Lincoln 1186–1200*, ed. and trans. Richard M. Loomis (New York, 1985).

⁵⁶ *Ibid.*, 84.

⁵⁷ *Ibid.*, 83.

⁵⁸ Russell, *Shorter Latin Poems*, 79.

⁵⁹ Gerald of Wales, *The Life of St. Hugh*, 85–95.

⁶⁰ Source text is in Horstman, *Nova legenda* 2:689–98; Henry's version is in Francis Herve, ed., *The Pinchbeck Register*, vol. 2 (London, 1925), 365–78. My new edition of Henry's text is forthcoming in *Journal of Medieval Latin* 4 (1994).

⁶¹ Source text is in *Three Lives of English Saints*, ed. Michael Winterbottom, Toronto Medieval Latin Texts 1 (Toronto, 1972), 67–87; Henry's version is in Francis Herve, ed., *Corolla sancti Eadmundi: The Garland of Saint Edmund King and Martyr* (London, 1907), 200–20.

quod uos in siluis ursi genuere rapaces
 uestri cedis amor, uestra rapina probat;
 uestrorumque ducum genitor deus esse probatur
 si possit demon incubus esse deus.
 Hic rex catholicus diuos ursosque demandos
 duxit, rex ursos catholicosque deos.
 Forsan et hec uestros armauit causa furores.)
 Ipse tamen nescit se meruisse necem.
 Tanta quid ergo iuuat effusio sanguinis, et tot
 unius causas multiplicare necis?

A miracle story at ll. 464–91 is drawn from the miracle collection of Osbert of Clare, while earlier, at ll. 17–18 and 65–66, details absent from Abbo's text also demonstrate Henry's familiarity with traditions of Edmund subsequent to the poet's principal source. At ll. 434–35 an Aristotelian explanation of a miracle witnesses to Henry's scholastic interests:

Actus et effectus, quem nulla potentia, nulla
 causa preit!

The *Vita sancti Thome* (VT) relies extremely closely in ll. 56–769 upon the life of Becket by John of Salisbury: this section of the poem is a close paraphrase of the most contorted kind.⁶² The prologue and the last 1000 lines of the poem, on the other hand, are a free, if still laboured, treatment of the subject. The source text for the *vita* has thus been incorporated into a larger and apparently original design linking the struggles of Becket to those of his successor and Henry's patron, Langton.

Henry's handling of sources can be viewed against the treatment of versification in the various *artes* of the late twelfth and early thirteenth centuries. These treatises tend to regard composition as a reworking and elaboration of *materia* already executed in developed literary form: the poet typically performs his tasks of *inventio* and *dispositio* not upon raw and previously unexploited subject matter, but rather upon available literary treatments.⁶³ Thus Geoffrey of Vinsauf's *Poetria nova* focusses at very considerable length upon elaboration and embellishment, under the heading of *amplificatio*, while acknowledging far more briefly the opposite technique of *abbreviatio*. Such categories suggest something of contemporary expectations for Henry's adaptations of previous *vitae*. Henry's sometimes

⁶² Source text is in James Craigie Robertson, ed., *Materials for the History of Thomas Becket, Archbishop of Canterbury*, 7 vols., Rolls Series 67 (London, 1875–85), 2:299–322.

⁶³ Janet Martin, "Classicism and Style in Latin Literature," in *Renaissance and Renewal in the Twelfth Century*, ed. Robert L. Benson and Giles Constable with Carol D. Lanham (Cambridge, Mass., 1982), 539–41.

elliptical references to events more clearly narrated in his source nicely illustrate Geoffrey's suggestions for abbreviation; these passages have in fact something of the same allusive quality as Geoffrey's own example, the story of the snow-child.⁶⁴

Many of Henry's other recurring techniques amount to a series of devices for amplification. Notable among these are the long doctrinal discourses incorporated into the *VO* (ll. 364–419), *VB*, and *VG*. In these we find scholastic Aristotelian terminology interwoven with more traditionally patristic language, as for example with the Greek terms of *VB* 429 (“componens ylen et ydeam, fecit usyam”), and the treatment of material and efficient causes in the fall of the angels in *VG* 807–26:

De nichilo factusque fuit, factique fuistis.
 Set quod dico nichil, hoc supponamus vt unam
 per se naturam; fuit hec natura creandis
 spiritibus, tanquam pro causa materiali;
 utque faber cultrum de ferro, sic Deus illos
 de puro nichilo diuina condidit arte.
 Sic igitur quid fecit eos? Essencia. De quo?
 De nichilo. Cum uero sibi contraria nunquam
 succedant nisi per medium, cum protulit illos
 ex non esse Deus, nondum perfecit in esse,
 set medium prefixit eis, quo prouherentur
 aut quo deficerent, ratione uidelicet vti;
 quoque solubilius possent discernere culpam
 a merito, uoluit ut libera cuique daretur
 optio, per cuius motum fas omnibus esset
 tendere quo mallent, ad causam materialem
 (que nichil est fierique nichil) uel ad efficientem
 (que Deus est fierique deos) docuitque petende
 oppositas utriusque uias, ne forte cadentes
 excusare scelus erroris ymagine possent.

VO 874–75 and 944–52 offer further examples of Henry's penchant for scholastic terminology.

Apostrophe and exclamation frequently expand the scope of the narrative, as noted above; we find such devices as well at *VO* 853–69, *VFr* 300–301 (“O uictrix tutela Dei, uictoria tuta! / O Domini bellum, cunctis memorabile seclis!”) and 324 (“O ius districtum Christi, districtio iusta!”). Henry also employs epic similes, for example, those at *VO* 208–24 and 663–70. These passages are comparable to passages in the *VG* and *VE*:

⁶⁴ Geoffrey of Vinsauf, *Poetria nova*, ll. 690–736, ed. Edmond Faral, *Les arts poétiques du XII^e et du XIII^e siècle* (Paris, 1924), 218–20.

At pugil intrepidus Christi Guthlacus, ab illis
 dum graue perpendit et formidabile mirum,
 se gerit audacem, Pellei more leonis
 hostem qui postquam medio conspexit in aruo
 erigit egregium pectus, caudeque flagello
 nititur irasci, linguaque ueneficat unguis
 fastiditque moras, et protinus impetit hostem;
 haut aliter, simul ac heremo Guthlacus in illa
 demonas attendit habitare, cor erigit, iram
 concipit, et precibus fidei corroborat arma,
 iamque more tedet, iam flagrat amore duelli (*VG* 266–76).

Nam simul Hyberni periere tyrannidis arcus,
 utpote bruma, gelu, glacies, nix, grando, procella,
 quando repubescit uiridi lanugine tellus,
 et releuet Tytan nostrum uicinior orbem,
 tunc ab hyrundinibus, ad nostrum clima reuersis,
 gaudia fert primi reditus, ambitus earum
 ambitibus blandis, alludentisque susurri
 uoce salutatus securum prebet asilum,
 et loca distribuit ponendis singula nidis,
 fertque residentes humeris dextraque fideli
 mulcet et impertit proprii consortia uictus (*VG* 971–81).

Hic status est dame, que quando reuertitur esu
 inuenit errantem per sua lustra lupum:
 dilitet infelix dum predo recesserit, itque
 et redit, et proprios excubat ante lares—
 haut secus ecclesiam latebris formido coeracet,
 dum uidet horrentes in sua regna Dacos,
 nam piratarum furum spirare furorem
 credit, et absentes fingit adesse timor—
 mox successiue profert caput, erigit aures,
 circumfert oculos, egrediturque foras,
 et dubio suspensa metu nunc exit in arua,
 nunc redit in siluas, itque reditque frequens (*VE* 384–95).

The head-to-toe physical description found in *VO* 286–98 parallels a similar treatment in *VF* 11.46 ff.

Several devices amount to particular hallmarks of Henry's style. The use of elaborate *distributio* to spin out a series of parallel statements appears ubiquitously; typical examples can be found at *VO* 46–56, 183–90, 278–83, and 703–6. These are paralleled in the *VB* by the following passages:

... gradiar, curram, saltabo, uolabo,
 ut librem—gradiens, currens, saliens—gradiendo

cursum, currendo saltum, saliendo uolatum.
 Birinus siquidem mare metitur pedes—ecce
 gressus; Suithunus benedictum preterit—ecce
 cursus; Adelwoldus de terris emicat—ecce
 saltus; Martinus celum petit—ecce uolatus (*VB* 32–38).

. . . puer inde sereno
 nascitur auspicio Birinus, mente benignus,
 ore decens, patria felix, et origine clarus,
 ut quem commendet pia mens, illuminet oris
 forma decens, autenticet urbs, sullimet origo (*VB* 44–48).

Hic est cos, dos, flos, et ros: cos religionis,
 dos fidei, flos ecclesie, ros dogmatis; hic est
 libra, liber, lumen, limes, scola, scalaque: libra
 consilii, liber eloquii, lumen rationis,
 limes honestatis, scola morum, scala salutis (*VB* 103–7).

Another parallel is *VE* 448–51:

Presentes hec intuitos miracula quis non
 et plausisse sciat et doluisse putet?
 Sanctus enim martyr et uiuum se probat: ecce
 plausus; et occisus cernitur: ecce dolor.

Henry's distinctive topos of the mutual witness by the sick of one another's cures belongs among such typical features of his verse as well. His fondness for paranomasia is frequently in evidence, sometimes in purely conventional manifestations, as on the contrasting pairs *onus-honor* (*VO* 492; cf. *VB* 231) and *praeesse-prodesse* (*VO* 493; cf. *VB* 613), sometimes in more original applications (*VO* 79, 355), and with particular frequency in connection with his fascination for onomastics (*VO* 72, 311–12, 504; cf. *VB* 221, "nobilitatis apex et honoris, Honorius"; *VG* 56–58, derived from the source; *VFr* 27–29).

Henry's prologues announce a clear intention, confirmed by the texts themselves, to produce sophisticated entertainment. It seems no distortion of his aims to suggest that he approaches his task without much anxiety over whether his project violates hagiography's fundamental emphasis on edification. Explicit concern for the spiritual implications of style tends to mark earlier verse hagiography, as it does the prose texts as well, in somewhat different guise. Henry's prologues, by contrast, announce his straightforwardly belletristic ambitions. Henry declares his anxiety over the arduous task of describing the exploits of Christian heroes who outstrip classical subjects in the glory of their deeds; but the more standard *dubitatio* over moral worthiness is missing, along with the requisite abnegation of pagan literary

approaches. His references to earlier Latin epic balance his assertion of the saints' superior achievement against a basic acceptance of the legitimacy of epic style and subject matter.

Henry's classical allusions and reminiscences of epic provide in fact a counterweight to his reliance on earlier hagiographical texts, and to his practice of composition as a stylistic reworking of inherited *materia*. A recent article by Neil Adkin demonstrates that Henry's classical references in the prologue of the *VG* are not carelessly chosen; instead, the structure of the prologue as a whole deliberately and vividly recalls the prologue of the *Alexandreis*.⁶⁵ In addition to Adkin's observations on the prologue, it is worth pointing out that the text of the *VG* sustains continued reference to Walter of Châtillon's epic as an intertext against which the life of the Croyland saint can be read. The exhortations of Bartholomew to the young Guthlac at ll. 344–72 initiate a career of spiritual conquest much as the advice of Aristotle to the adolescent Alexander inaugurates the hero's career in book I of the epic. The simile at ll. 268–76 has already obliquely suggested the sustained comparison to Alexander by its deployment of a characteristic epithet of the Macedonian: Guthlac is said to conduct himself "*Pellei more leonis*."

A similar point can be made of the *VO*'s opening adaptation of the first line of Ovid's *Metamorphoses*. The quotation is more than an easy and superficial allusion: Henry's reintroduction of Ovidian references at the poem's conclusion establish a more sustained intertextual intention. The raven that absconds with Oswald's hand is described as "*Phebeyus ales*" at l. 1096, and at l. 1101 the fountain that springs up beneath the ash tree is said to be "*limpidior Narcisi fonte*." Similarly, the long treatment of the elements at ll. 1047 ff., while reminiscent as well of twelfth-century natural philosophy, recalls Ovid's transformation of chaos in the opening lines of the *Metamorphoses*. These allusions dispose the reader to an active consideration of themes of mutability and continuity against an Ovidian background; in this context, one may well read the protracted descriptions of Oswald's uncorrupted relics as a kind of answer to the language of mutability in the classical poem. Such sophisticated syntheses of classical allusion with personal style and literary structure attest to the intelligence and originality of Henry's approach to versified hagiography. The sheer volume of his efforts, his continued production of such texts for over a decade, and his entrance into the service of the king of England specifically under the designation of "*versificator*" suggest that his practice was indeed

⁶⁵ Neil Adkin, "The Proem of Henry of Avranches' *Vita sancti Guthlaci*," *Analecta Bollandiana* 108 (1990): 349–55.

held in high esteem by the numerous ecclesiastical patrons for whom he had laboured.

Henry's saints' lives incorporate noticeable elements of epic vocabulary, in keeping with their deployment of classical allusion and their synthesis of epic elements with hagiography; at the same time, both subject matter and the normative status of *sermo humilis* in hagiography contribute a much homelier strain of diction. The Greek neologisms used for literary effect in some twelfth- and thirteenth-century Latin verse do not appear, but Henry's philosophical, theological, and medical interests occasion some use of Greek terminology, as well as a wider range of technical language, particularly in the long doctrinal discourses and in detailed descriptions of diseases such as the following in the *VG* and *VE*:

Interea toto rarescit corpore sanguis,
 princeps humorum: quo discurrentibus olim
 spiritibus, iam deest per quid discurrere possint,
 utque palus estiuua ferens incendia solis
 in breue contrahitur spacium, totoque liquore
 paulatim tenues euanescente per auras,
 expositos flammis nec habentes plus ubi possint
 esse trahit secum miseros in funera pisces—
 sic ubi paulatim consumptus ab igne febrili
 humor uitalis cepit succumbere, totus
 spirituum populus cause succumbit eidem,
 imperiique sui perdens natura ministros
 iam morbo regnante latet, uidet ille latentem,
 terque quaterque ferox fatali uulnerat ense (*VG* 1413–26).

Nam tisice perit ariditas et reumatis humor,
 letargi frigus ictericeque calor,
 canceris ingluuies, lepre putredo, podagre
 nodus, demonii fraus, manieque furor
 et febrium languor, epilensique procella,
 ydroposisque tumor, paralisisque tremor (*VE* 570–75).

Practically all post-classical words are recorded in the standard medieval Latin dictionaries: reference to Latham, Niermeyer, or DuCange solves nearly all Henry's puzzles. Classical words are sometimes used in post-classical senses—*prescisio*=*praecisio* (*VO* 6), "precision"; *perpendicularia* (*VO* 820), "carefully considered," a definition extrapolated from an alternate meaning of *perpendere*; *compropagatus* (*VO* 295), "very well built," an intensive of a medieval definition of *propagatus*—or in post-classical forms—as with *Lieum*=*Lyaeus* (*VO* 48), used as a neuter adjective where classical Latin would use the masculine noun, by metonymy for *vinum*.

Henry's use of quantitative metre falls within the mainstream practice of his age, but certain observations help to distinguish him from some of his immediate predecessors and contemporaries.⁶⁶ Henry exemplifies eleventh- and twelfth-century developments in the construction of the hexameter, although in the saints' lives he employs none of the rhyme-schemes which had profoundly influenced the metrical shape of the line by his day.⁶⁷ His practice contrasts with the self-conscious metrical classicism of the twelfth-century epic poets Joseph of Exeter and Walter of Châtillon. By medieval standards these latter writers employ copious elision, using it about as frequently as Ovid, although far less often than Vergil.⁶⁸ They generally though not categorically avoid masculine caesura in the fifth dactyl, except as countenanced occasionally in Roman poetry when a monosyllable precedes. At the same time, variation of principal caesura in a work such as the *Alexandreis* provides a flexibility of effect far more in line with the classical tradition than the pervasive domination of the penthemimeral caesura in much contemporary verse.⁶⁹ The classicizers also hold to relatively limited frequency the practice of lengthening at the caesura, which although classically permitted had come in some writers to exceed all bounds.⁷⁰ At the same time, Henry also contrasts with the self-styled modernists. Such writers, following the dicta of the late twelfth- and early thirteenth-century *artes poetriae*, not only avoided the fifth-foot caesura but renounced such "licenses" as elision found in the classical *auctores* themselves.⁷¹

Henry very rarely employs elision in his saints' lives; it occurs only three times in the *VO*, at lines 33, 78, and 296. Our poem thus falls at the lowest point on the continuum, along with such works as Alan of Lille's *Anticlaudianus*, in its sparing use of the device. Elision occurs in Henry's *vitae* both between vowels and across initial *h*-, but there are no examples across final *-m*. At the same time, Henry avoids hiatus, although several examples occur in the present text at lines 30 (here emended), 117, 965, and 1077. In Henry's hagiography as a whole, hiatus usually involves the

⁶⁶ For a thorough analysis of metrical practices in Henry's short *De sanctis martyribus Crispino et Crispiniano*, see Michael Idomir Allen's edition, "The Metrical *Passio Sanctorum Crispini et Crispiniani* of Henry of Avranches," *Analecra Bollandiana* 108 (1990): 357-86.

⁶⁷ On the effects of the vogue for rhymed dactyls on the structure of the line, see Martin, "Classicism and Style," 557-60.

⁶⁸ Paul Klopsch, *Einführung in die mittellateinische Verslehre* (Darmstadt, 1972), 79-87; Martin, "Classicism and Style," 563.

⁶⁹ For Walter's use of the caesura, see Yves Lefèvre, "Gautier de Châtillon, poète épique dans l'*Alexandreide*: Quelques observations," in H. Roussel and F. Suard, eds., *Alain de Lille, Gautier de Châtillon, Jakemart Giélée, et leur temps* (Lille, 1980), 232-43.

⁷⁰ Martin, "Classicism and Style," 562; Klopsch, *Einführung*, 82.

⁷¹ Martin, "Classicism and Style," 563.

presence of final *-m* or initial *h*,⁷² but at *VO* 965 it occurs between final and initial vowels. Thus the data would argue against any textual emendation involving the creation of elision; but likewise the presence of elision does not justify editorial interference. The elimination of hiatus, on the other hand, might support an otherwise desirable emendation, as at *VO* 30.

The overwhelming prevalence of penthemimeral caesura, which occurs in roughly 80 to 90 percent of all lines in Henry's saints' lives, reflects the contemporary tendency to divide the hexameter into hemistichs under the influence of the requirements for leonines. Nearly all other lines display trochaic caesura in the third foot, accompanied by trihemimeral and hepthemimeral caesura, or very rarely by only one of these. In 2 or 3 percent of the lines there is no caesura in the third foot. On the other hand, the principal caesura is located in penthemimeral position less frequently than these statistics might suggest, and in fact occurs with some frequency at the second- and fourth-foot breaks which often accompany that in the third foot of the line. In 20 to 30 percent of all lines the principal syntactic division is in one of these alternative positions. Henry's deployment of the principal break in the verse is not without skill or variety.

Henry's treatment of verse closures is occasionally awkward, as in his employment of masculine caesura in the final dactyl. This occurs rather less frequently in the *VB*, where we find it in well under 10 percent of selected lines, and most often in the *VFr* and *VE*, where around 15 percent of all lines display it (taking into account only the hexameters in the elegiac *VE*); the other texts fall between these two extremes. In well over half the occurrences, a monosyllable at the beginning of the fifth foot precedes the break, which is often followed by a single quadrasyllable, as in classical practice. But Henry sometimes closes the line with a group involving one, two, or even three further monosyllables, as at *VFr* 45, "quid det hic illis." At the other extreme, Henry employs a pentasyllabic ending 3 or 4 percent of the time. Extremely liberal use of bucolic diaeresis also characterizes Henry's line terminations: it occurs 40 to 50 percent of the time, and even more frequently in the *VT*.

Henry's licenses with quantity fall for the most part within accepted practice. We find lengthening of a short vowel at the penthemimeral caesura about 10 percent of the time in the *VO* and *VG* but less frequently in the other lives, where the figure is closer to the classicizing practice of the *Alexandreis* (6.6%) and the *De bello Troiano* (4%).⁷³ Long final vowels,

⁷² Other examples occur at *VB* 231 (*B*-text; over *h*-, "hoc onus ei honor"), *VFr* 295 (over *h*-, "sanguine hoste"), *VE* 598 (over *-m*, "cum eo"), and *VT* 627 (over *-m* at the caesura, "nunc offert proprium. O gens scelerosa, quid audes?")

⁷³ Klopsch, *Einführung*, 75.

especially the *-o* of gerunds and finite verbs and the *-i* of *ubi* and *ibi*, are sometimes shortened, but this classically attested usage does not occur so frequently as to constitute a mannerism. Synzesis reflects classical usage in its occasional appearances. A particularly notable instance of variable scansion can be seen in the quantitative instability of genitives in *-ius* in the *VG*. False lengthening of short syllables occurs occasionally, as in *VO* 151 (*odibilis*).

MANUSCRIPTS AND TEXTUAL TRANSMISSION

Both the manuscripts upon which the edition is based are nearly contemporary with the composition of the poem. Cambridge, University Library Dd.11.78, although an unspectacular volume in execution, presents interesting complexities in the assembly of its extensive contents. The *VO* and four of Henry's other *vitae* form parts of the fourth *libellus*, the core around which Matthew Paris assembled the rest of the manuscript. Since an exhaustive description has appeared elsewhere,⁷⁴ no detailed account is given here.

Oxford, Bodleian Library Bodley 40 (*SC* 1841) is a smaller, less ambitious, and much less complex book. It contains 72 folios and its collation is straightforward: ii (paper) + 1⁸-9⁸ (parchment) + ii (paper). The foliation, in brown ink, is correct. Quires 1-6 and 8 carry catchwords corresponding to the following leaf, though a hand of the fifteenth century has added that for quire 6 on fol. 48v. The leaves of most quires measure approximately 185 × 115 mm. with some variation; the writing frame fluctuates in height but averages about 143 × 57 mm. Quire 7 measures about 180 × 100 mm. but is irregular, with a writing frame of about 135 × 60 mm. Quire 8 measures about 180 × 105 mm. The quires are labelled consecutively in light brown ink in the top margin of the first leaf recto, with some confusion in quires 7-9: the ".ix." erased on quire 7 comes up clearly under ultraviolet light; 8 and 9 are numbered ".vii." and ".viii." respectively. Fol. 56v (the last leaf of quire 7) shows considerable signs of wear: the seventh quire clearly stood at the end of the manuscript, or at the end of a *libellus*, at an earlier stage of its life. An unformed, rather ungainly hand with cursive traits writes most of the volume. Some risers are barbed or forked, others are plain. "D" occasionally loops back to the right as in an Anglicana hand. Variations in the script seem mostly to be a matter of pen and ink changes. Different hands write two short sections, on fols. 43v and 56r-v. Fourteenth-century hands also make noteworthy additions. On fol. 51v the phrase "Disce mori

⁷⁴ Townsend and Rigg, "MLPA (V)," 352-90.

Dodisthorpe" appears in a clumsy textura on a blank line between sections of Henry's *VB*. In the margin of fol. 69v a more cursive hand adds "Ego frater Thomas promitto stabilitatem meam et conversionem morum et obedienciam secundum regulam Sancti Benedicti in hoc monasterio quod est . . . Sancte Marie. . . ." Ker gives Ramsey as the manuscript's provenance on the basis of marginalia,⁷⁵ and the name Dodsthorp is otherwise connected with Ramsey.⁷⁶

Alexander of Ashby's *Libellus de sanctorum miraculis* occupies quires 1–5. Fols. 38v–39v are taken up by the short piece "Nectareum rorem." The remainder of fol. 39v is blank. The last folio of quire 5 and the first three of quire 6 contain a number of short pieces; the ruling of these folios varies from item to item. The *VB* begins partway through fol. 43v and continues halfway through quire 6, ending on fol. 52v. A poem on the decretals, "Est decretorum complexio causa duorum" (identified by Russell as his item 164 attested by the Peterborough *Matricularium*), occupies fols. 53r–55v;⁷⁷ fol. 56 contains miscellaneous short pieces in several hands. The *VO* occupies quires 8 and 9; the prologue appears after the main text (cf. the inserted bifolium, fols. 175–76, in *A*).⁷⁸ The *VO* ends on fol. 72r. More miscellaneous verses fill the remainder of the last leaf.

The book appears to be largely the work of a single scribe/compiler writing for his own use with minimal filling-in of blank space by others. Quires 1–5, which carry Alexander Ashby's poem, could stand as an independent unit; but the next quire, including the beginning of the *VB*, was probably not written before its conception as part of the volume more or less as it stands: if the *VB* began earlier in the quire, it might originally have stood as a separate booklet. As it is, the miscellaneous pieces cannot really be explained as simply filling in space at the juncture of two *libelli*: the short pieces are written out at the beginning of a fresh quire whose main piece does not begin for several folios. The *VB* takes up four leaves of quire 7 as well, which is then filled out by the poem on the decretals and by more miscellaneous. The *VO* falls neatly into the last two quires and could conceivably have constituted a separate unit before its inclusion in the volume. The wear on the last leaf of quire 7 might support the notion that the *VO* is an independent *libellus* added later; or it might be only the result of the

⁷⁵ N. R. Ker, *Medieval Libraries of Great Britain*, 2d ed. (London, 1964), 154.

⁷⁶ A. G. Rigg, "Medieval Latin Poetic Anthologies (II)," *Medieval Studies* 40 (1978): 389, 391, and 402–6.

⁷⁷ Russell, *Shorter Latin Poems*, xxiii, 6; James, *Lists of Manuscripts*, 65. On this poem, see Binkley, "Thirteenth-Century Poetry Contests," 87–90.

⁷⁸ Townsend and Rigg, "MLPA (V)," 369.

misnumbering of quires described earlier, which would have placed quire 7 last in the complete volume in an earlier binding.

A comparison of *A* and *B* in terms of their common texts—*VB* and *VO*—indicates that neither manuscript could have been copied from the other: each contains errors not shared with the other, and there are no common errors to suggest descent from a single ancestor much removed from an archetype.

The text of the *VO* is somewhat problematic. In the first place, both manuscripts associate the prologue with the main text as an afterthought. In *A* the main text begins on fol. 177r (on what was originally the seventh leaf of a regular gathering of eight⁷⁹) in the hand that first appears on fol. 156r and continues until fol. 184v, l. 8, where Matthew Paris takes over. This continuity is broken by the prologue, written by Matthew Paris on a separate bifolium inserted into the manuscript as fols. 175–76. In *B* the prologue begins without comment on fol. 71r, in the main hand but after the end of the main text.

The predominance of local dedicatory material, which takes up over half the prologue's total length, might explain the text's acephalous circulation. Recitations at Peterborough and local copies would certainly retain this material, while copies made elsewhere might conceivably omit it. That both surviving copies leave out the prologue but then include it as an afterthought suggests that the exemplars of both *A* and *B* omitted it, and that the compilers—Matthew Paris in the case of *A*, and the single main scribe in the case of *B*—added it later when they had seen a manuscript including it. One assumes that this would have been the Peterborough presentation copy or its local descendant. Matthew Paris' network of close monastic contacts suggests the possibility of access to the presentation copy itself in the case of *A*.⁸⁰ In addition, then, to the tradition from which the text common to *A* and *B* is descended, and which probably did not include the prologue, I posit the use of a manuscript or manuscripts in the tradition of a Peterborough copy which did (**P*), and which would have been very close to an autograph.

The marginal notations and corrections of Matthew Paris in *A* bear an indefinable relationship to nonextant manuscripts. A number of these marginalia clearly correct or attempt to correct defective readings, whether they bring *A* into conformity with *B* or differ from *B*. Others simply represent

⁷⁹ Townsend and Rigg, "MLPA (V)," 367–68.

⁸⁰ On monastic contacts, see Vaughan, *Matthew Paris*, 144; three of the more detailed and circumstantial passages of the *Chronica maiora* relating to Peterborough are found at 4:101–2 and 414–15 and 5:84–85.

Matthew's fondness for the notation of synonyms, which one observes in other manuscripts in whose production he had a controlling hand.⁸¹ These latter are most demonstrably not genuine corrections in cases where the proposed alternative will not scan. While Matthew is responsible for both classes of marginalia, the critical apparatus below maintains a distinction between corrections (*Ac*) and non-corrective annotations, along with marginal rubrics (*Am*). Improvements of clearly defective readings in *A* have been labelled *Ac*, along with glosses that bring the text into conformity with *B*. When the variant represents no improvement over an intelligible reading in *A* and does not agree with *B*, I have usually assumed that Matthew is simply noting synonyms and I list the variant as *Am*. For *Ac* readings, Matthew presumably had a manuscript to compare against *A*, whether the additional codex was *A*'s exemplar, another copy, or the hypothetical **P* from which he also copied the prologue.

B includes four substantial sections missing from *A*: lines 598–620, treating Oswald's marriage to Kyneburg; 687–708, relating the details of Oswald's death; 719–1035, including all the posthumous miracles derived from Bede, save for Bothelm's cure; and 1071–1103, dealing with Oswy's recovery of the uncorrupted hand. I subsequently refer to this textual material as *R*. (The first of these passages falls precisely between the disappearance of the hand of the first portion of *A*'s text and Matthew's reappearance as the main scribe.) These substantial additional sections might have been included in a fuller original version of which the *A*-text is an abridgement; or they may represent a later expansion of an original version closer to *A*. On the one hand, the *B*-version contains all the material from Bede that constitutes the core of Oswald's hagiographical tradition and would very reasonably be expected to appear in a versified life. *A*, on the other hand, can stand as a self-contained version without breaks in continuity: the sections unique to *B* are separable anecdotes and have required only minimal adjustment of the adjacent lines. Matthew's passion for compilation and inclusiveness might suggest that the *A*-text is the earlier version. The books he made, as Vaughan points out,⁸² tend toward random absorption rather than excision and system. Deliberate abridgement of his exemplar—and one recalls that Matthew is himself the scribe in the affected portion of *A*—would suggest an attitude precisely opposed to what we know of his habits in general; and in the specific case of the *VO*, we have the evidence of his insertion

⁸¹ Vaughan, *Matthew Paris*, 32–33; idem, "Handwriting," plate XVI(b).

⁸² Vaughan repeatedly refers to Matthew's omnivorous impulses in connection with the *Chronica maiora* in *Matthew Paris*, 112, 125–26, and 143–45. The character of the *Liber additamentorum* reinforces this impression: on this latter, see *Matthew Paris*, chap. 5.

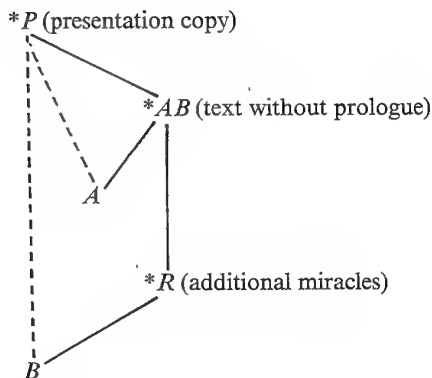
after the fact of an irregularly placed bifolium in order to include the prologue to the work in its proper place. We can reasonably expect that Matthew would have included the missing sections had they appeared in his exemplar, or even had they been found in the **P* manuscript from which he copied the prologue. If I am correct in this, one can assume that neither the exemplar of *A* nor **P* included the material unique to *B*. It is, of course, possible that when Matthew took over the text, he also substituted **P* for the exemplar of the earlier portion of the poem. In either case, **P* seems not to have included the *B* passages. I conclude, then, that the *B*-version probably represents a subsequent expansion. The new material's style is consistent with the whole, giving no reason to suppose that anyone besides Henry himself has added it.

It makes some sense that Henry might have thus expanded his original version. The *VF* also restricts the saint's posthumous miracles to a summary of a few lines, as does the *VB*. In the case of Francis, Henry was dealing with a very recent saint, and in that of Birinus with one of a less securely and widely established tradition. In dealing so summarily with Oswald, on the other hand, Henry would have stepped on toes. Well-known anecdotes originally omitted simply had to be restored.

Nine passages in *A* contain one or more lines that do not appear in *B*. In five cases, ll. 75–76, 203, 322, 434–35, and 443, *B* simply omits the lines, leaving the text syntactically complete and substantially unaltered in sense (l. 443 is added in the margin of *A*). In two cases, ll. 277–78 and 398–405, *B* omits the lines and adjusts the adjacent lines to retain syntactical continuity. In ll. 579–80, *B* omits one entire line of *A* and revises the adjacent lines, even though the *A*-version makes sense without the line missing from *B*. In ll. 233–42, an entire passage seems to have been deliberately recast, while the vocabulary and sense have remained similar; the *B*-version is clearer and smoother. This last case represents a deliberate revision of the text, which we may as well assume is concurrent with the inclusion of the *R*-material. This may also be true in the case of ll. 579–80. In the other seven passages, however, the changes have minimal effect, so that the omissions may not represent deliberate polishing. They are just as likely accidental omissions, for which intelligent scribal adjustment has compensated when necessary in a later manuscript. If they are, in fact, all deliberate revisions, one wonders why no more were made on an equally fastidious level.

We can represent the basic situation by this stemma of the *VO*'s textual stages:

O



We have, then, two versions of the text, of which *B* probably, but not undoubtedly, represents an expansion and very slight revision of *A*. This edition prints *B*, corrected by *A* where *B*'s readings are clearly inferior, and slightly expanded by the lines from the seven *loci* in *A* whose omission from the Bodley manuscript is arguably accidental. *A*'s readings against *B*'s clearly deliberate changes remain accessible in the apparatus; purely orthographical variations, however, are not included.

VITA SANCTI OSWALDI

- In noua fert animus antiquas uertere prosas
 carmina, que numero, mensura, pondere firmet
 inmutabilibus librata porporcio causis:
 Perpetuare uolens mundum Deus in tribus istis
 5 a primo stabiliuit eum, causamque manendi
 contulit una trium cunctis prescisio rebus;
 quantum diuine permittitur artis honorem
 ars humana sequi, tantum pro posse sequetur
 hunc in presentis operis mea Musa tenore,
 10 que tamen istius nichil artis adinuenit. Immo
 sic apud antiquos erat assuetudo uirorum
 scribere uirtutes et perpetuare triumphos
 ut memorata magis uirtus imitabilis esset;
 quoque supersticibus animos exempla priorum
 15 uiuendi post fata darent, aliquando poete
 intertexebant aliquid de stamine falsi,
 augendo titulos et fictis facta iuuando.
 Alciden yperbolice commendat Homerus,
 Galterus pingit toruo Philippida uultu,
 20 Cesareasque minus laudes Lucanus adauget.
 Tres illi famam meruerunt, tresque poetas
 autores habuere suos; multo magis autem
 Oswaldi regis debent insignia scribi.
 Quis fuit Alcides? Quis Cesar Iulius? Aut quis
 25 magnus Alexander? Alcides se superasse

B 71r, A 175r

Incipit prologus in uitam et passionem Sancti Oswaldi, regis et martyris. Ora pro nobis
Am 6 trium *A*: tribus *B* 13 imitabilis *ed.*: mutabilis *AB* 20 minus *A*: minas *B*

1-2 In noua . . . carmina: Ovid, *Met.* 1.1-2 ("In noua fert animus mutatas dicere formas / corpora").

4-6 Perpetuare . . . rebus: cf. Sap 11:21 and Augustine, *De Genesi ad litteram* 2.1 (ed. J. Zycha, CSEL 28 [Vienna, 1894], 32-33).

6 prescisio: either "praescisio" or "praescitio" would make sense.

20 minus: Russell emends to "nimis," but as it stands the line refers to Lucan's notoriously qualified praise of Caesar.

fertur, Alexander mundum, seu Iulius hostem;
se simul Oswaldus et mundum uicit et hostem.

Tres igitur reges quot de se magna poetis
deseruere tribus magno dicenda paratu,

- 30 suscepi subito dicenda <tot> unus ab uno;
nec minor est moles que nanum sarcinat unum
quam fuit hec sub qua tres sudauere gigantes.
Inde laborandum michi sollicitudine summa est,
ne nimia pressus oneris grauitate uacillem,
35 regis enim tanti merus hystoriographus alto
hunc teneor memorare stilo meteque petende
liber inoffenso spacium percurrere gressu.

A 175v

Neue sibi tantum mea mens usurpet honorem
regis ego uictoris opem suus inuoco uates:

- 40 ipse michi, queso, dignetur adesse, meisque
inmarcessibilem ceptis apponere dextram.

B 71v

Tu quoque digneris, precor, aspirare labori,
flos cleri Martine, meo, qui talis es inter
abbates qualis est patronus tuus inter

- 45 pontifices: hic est primas, tu primus eorum;
istorum tu concilio collatus haberis
sol, illud stelle; flos, illud gramina; phenix,
illud aues; laurus, illud dumeta; Lieum,
illud ceruisie; topazius, illud arene—
50 talis enim uiget inter eos tua gloria, qualis
sol inter stellas, flos inter gramina, phenix
inter aues, laurus inter dumeta, Lieum
inter ceruisias, topazius inter arenas.

Sol igitur splendendo michi, flos fructificando,

- 55 phenix durando, laurus redolendo, Lieum

26 seu *B*: set *A* 29 magno *A*: magna *B* 30 tot *ed.*: om. *AB* 38 tantum *B*:
tantam *A* 39 Inuocacio ad Sanctum Oswaldum Regem et martyrem *Am* 42 Inuocacio
ad abbatem de Burgo *Am* 44 patronus *AB*: scilicet Petrus *Am* tuus *A*: tirus *B*

26 seu: perhaps for "ceu."

30 suscepi . . . uno: "so many things have I as one alone taken up all at once from
one man's deeds."

43–56 qui talis es . . . uigendo: cf. *VF* 14.70 ff.

48 Lieum: cf. classical *Lyaeus*, m.

49 ceruisie: for Henry's opinion of beer, see the celebrated ll. 253–56 of the *VB* (Rigg,
History of Anglo-Latin Literature, 181).

- exhilarando uelis, topazius esse uigendo;
utque facis, semper Oswaldi gesta gerende
exemplar uirtutis habe. Nam quid sit agendum
nullus sanctorum perhibet manifestius isto
60 cuius dextra docet post fata quid egerit ante. A 176r
Nullo uerme perit, nulla putredine tabet;
dextra uiri nullo confringi frigore, nullo
dissolui feruore potest, set semper eodem
immutata statu non ens est, mortua uiuit.
65 Hoc per Aidanum sua munificencia munus
illi promeruit, seseque quibuslibet idem
redderet effectus eadem si causa subesset.
In te causa subest, quo munificencior alter
non conuersatur sub sole, set hoc quia multis
70 iudicibus constat precor ut me iudice constet.
Uirque benigne, prior primis, et prime priorum,
qui cleri, Rogere, rosam geris, annue uati.
(Forsitan hoc nomen usurpo, meque moderni
philosophi reputant indignum nomine uatis;
75 set quantum ueteres me precessere poete,
tantum philosophi ueteres uicere modernos—
set tu cui soli patet utrorumque facultas
da michi te placitum, dederisque in carmina uires.)
Tuque sacrista sacris instans, qui iure uocaris
80 Symon, id est humilis, quo nemo benignior alter
abbatis precepta sui uelocius audit,
tardius obloquitur, qui tot mea carmina seruas
scripta uoluminibus, nec plura requirere cessas,
preteritos laudas; presentes dilige uersus.
85 O rerum mutabilitas subitanea! Nuper

60 fata A: facta B 62 confringi B: constringi A 66 seseque A: sese B 67 effectus B: affectus A 71 Inuocacio ad priorem Am primis A: primas B 75–76 set . . .
modernos A: om. B 77 patet B: licet A 78 placitum B: placidum A 79 Inuocacio
ad sacristam Am 80 humilis AB: obediens Am benignior alter B: benignius implet A
84 presentes dilige A: dilige presentes B

63–64 set . . . est: “but it does not exist forever unchanged in the same state; rather in death it lives.”

72 Rogere: compare the pun on “rosam geris” to that on “Cedwelle,” l. 311.

78 da michi . . . uires: Ovid, *Fasti* 1.17. Cf. *VF* 1.24.

- tu michi Typhis eras in humo, Palinurus in undis. B 72r
 Nunc alter Typhis, alter Palinurus habetur,
 hic est Galterus. Quis tu? Quis hic? Ut tibi dicam,
 tu Daud, hic Salomon; Helyas, hic Heliseus;
 90 Moyses, hic Iosue; tibi successisse uidetur A 176v
 qualiter aut Salomon Daud, aut Helyseus Helye,
 aut Iosue Moysi, quod scilicet est quasi prudens
 prudenti, sanctus sancto, fidusque fideli.
 Ambo fauete michi, queso, quia si michi uester
 95 fauerit applausus Phebum dederitis in illo.
 Uos etiam domini quibus hunc ostendo libellum,
 quorum conuentus alios supereminet omnes,
 deprecor ut uestro clemencia uestra poete
 arridere uelit, nec enim me posse putarem
 100 aduersos tolerare michi uos unicus omnes.
 Tanta meis humeris imponam pondera. Nullo
 inpellente labo; quanto magis ergo labarem
 si me uestra manus digito quocumque moueret.
 Corruit impulsu facili quem propria moles
 105 stare uetat, set dedecus est impellere tales
 quos proprium labefecit onus. Prosternere nullus
 dignatur uictor uictum uel honestus onustum.
 Ergo sonante metro sensus precludite uestros
 nutibus alternis, liuoris namque maligni
 110 detractiua lues odiiue uenifica pestis
 wlt inferre nephas, uult inspirare uenenum,
 ut suspensiuos immurmuret egra susurros.

86 humo <i>AB</i> : uel terris <i>Am</i>	90 successisse <i>B</i> : successore <i>A</i>	92 est <i>B</i> : ut <i>A</i>
96 Inuocacio ad conuentum <i>Am</i>	98 uestro <i>A</i> : uestra <i>B</i>	uestra <i>BAC</i> : <i>om.</i> <i>A</i>
101 imponam <i>B</i> : imponere <i>A</i>	103 me <i>A</i> : mea <i>B</i>	105 stare uetat <i>B</i> : ferre nequit <i>A</i>
106 labefecit <i>B</i> : labefactat <i>A</i>	107 honestus <i>A</i> : onustus <i>B</i>	108 metro <i>B</i> : metus <i>A</i>
uestros <i>A</i> : uestror <i>B</i>	109 nutibus <i>B</i> : plausibus <i>A</i>	

86 tu . . . in undis: Palinurus was Aeneas' helmsman, drowned off Italy (Virgil, *Aen.* 6.337 ff.); Typhis was pilot of the Argo (Virgil, *Ecl.* 4.34). The "sudden mutability of things" probably refers to Simon's recent vacating of an office now held by Walter; the salient point of the comparison to Palinurus seems to be Simon's faithful guidance. The juxtaposition with Typhis, another helmsman, confirms this; but what it means to be "a Tiphys on dry land" is problematical.

95 Phebum: i.e., literary honor.

101 Tanta . . . pondera: cf. Horace, *Ars P.* 38-40.

Hiis super articulis obstate uiriliter hosti
antiquo, uatique nouo prebete fauorem.
Explicit prologus in vita Sancti Oswaldi.

- 115 Tempore quo nuper Iuti, Saxones, et Angli B 57r, A 177r
ultima contulerant miseris alimenta Britannis,
dux Germanorum ex antiquissimis Yda
Bernicie Deyreque fuit lustrisque duobus
et totidem regnauit ibi feliciter annis.
- 120 Tantaque prosperitas ne successore careret,
sex genuit pueros de sponsa, sex aliunde,
et primogenitus fratrum fuit Edda suorum.
Cum fortuna tamen nichil inuariabile prestet,
regna bipertiri morientis oportuit Yde
- 125 uni namque simul duo succedere: uir Elle
sceptrata tulit consanguinei, puer Edda parentis,
Eddaque Berniciis, Deyris est peditus Elle,
recte succedens hic, collateraliter ille.
- Rex sacer Oswaldus de quo tractatus habetur
- 130 ambobus mediantibus hiis descendit ab Yda;
cuius nobilitas quo sit magis agnita, regum
quos naturalis successio subdidit Yde,
Edda fuit primus, alter Glapa, tercius Husa,

rubr. Explicit . . . Oswaldi B: Explicit prologus. Incipit principale opus Am 115 De
Sancto Oswaldo, rege et martire, cuius caput apud Dunelmum habetur, brachium apud
Burgum Am 117 ex antiquissimis B: antiquissim A 121 genuit B: habuit A
123 inuariabile B: inuanabile A 124 bipertiri B: bipertim A 131 cuius nobilitas
quo sit B: nobilitas cuius quo fit A 132 subdidit A: subdidita (*ink smeared*) B

117 Germanorum ex: hiatus.

Yda: Ida (*HE* 5.24 and *The Anglo-Saxon Chronicle* [ASC], s.a. 547). The line is metrically irregular: the fifth foot scans as a cretic but reads accentually as a dactyl.

121 sex genuit . . . aliunde: Reginald, chap 1 (*Symeonis monachi Opera* 1:339).

122 Edda: cf. Adda in Reginald (*ibid.*); and Nennius, *Historia Britonum*, ed. Theodor Mommsen in *Chronica minora saec. IV, V, VI, VII*, vol. 3 (Berlin, 1898), 206. He is mentioned in neither ASC nor HE.

suorum: i.e., Edda's, not Yda's.

132 naturalis successio: the ensuing list of Ida's Bernician successors follows Reginald, with the substitution of "Ethricus" for "Ethelricus." The usual construction of the Northumbrian genealogy, supported by ASC and HE, lists only Aethelric and Aethelfrith between Ida and Eanfrith in Bernicia. Reginald's intermediaries, except for Glapa, appear in Nennius, *Historia Britonum*, though in a different order.

133 Glapa: appears as Clappa in Reginald but not in HE, ASC, or Nennius.

Hussa: Reginald, chap. 1 (*Symeonis monachi Opera* 1:339); Nennius, *Historia Britonum* (*Chronica minora* 3:206); ASC E, s.a. 603.

- Fridwolfus quartus, Tidericus quintus, Ethricus
 135 sextus: sex isti sibi succedere, nec omnes
 regnauere nisi triginta quattuor annis.
 Hiis pater Oswaldi successit rex Ethelfridus,
 qui natam regis Elles sanctique sororem
 Edwini cuntis redimitam dotibus Accam
 140 duxit in uxorem, trux blandam, turpis honestam,
 barbarus egregiam, coniugalique ligantur
 federe quos pocius soluit discordia morum.
 Quam male conueniunt hic impius, illa benigna,
 hic ferus, illa placens, hic perfidus, illa fidelis!
 145 Hunc et eam iungens, feritatem simplicitati,
 perfidiam fidei, nigrum confederat albo
 copula, congeries, fedus, set copula longe
 dissona, congeries incongrua, fedus iniquum. *A 177v*
 Lex annectit eos, amor et concordia lecti;
 150 set lex qualis? Amor qualis? Concordia qualis? *B 57v*
 Lex exlex, amor odibilis, concordia discors.
 Fecundata tamen hec illi sponsa marito
 est pueros enixa duos patrisque figuram
 ille representat, hic matris ymagine fulget,
 155 Ainfridus natu prior Oswaldusque secundus.
 Oswaldus sensu matris sexum patris ornat,
 et regit Ainfridus, sexu sensuque patrissat.
 O quanta grauitate sui latet omnia Prime

137 successit *B*: succedens *A* 143 Quam male *B*: Non bene *A* 146 perfidiam *A*:
 perfidiam *B* 151 odibilis *AB*: exosus *Am* 156 sensu *BAC*: sensui *A* 158 quanta
BAC: quante *A* latet *B*: lateat *A*

134 Fridwolfus: presumably the Frithuwald (Friedolguald) of Nennius (*Chronica minora* 3:206), despite the discrepancy in the two sources over the name's second component.

Tidericus: Theodoric (Deodric), son of Ida (*ibid.*).

Ethricus: Aethelric. See *ASC*, s.a. 588 and *passim*. The form in Henry, which is metrically necessary, is possibly a confusion with Reginald's separately listed Ethricus, son of Ida (*Symeonis monachi Opera* 1:339). The scansion is peculiar, as is that of Ethelfridus (l. 137): Henry treats Germanic names as quantitatively free.

136 triginta quattuor annis: *ASC* records Ida's death s.a. 560 and Aethelfrith's accession s.a. 593.

151 odibilis: the first syllable is lengthened. *Am*'s reading improves the metre.

concordia discors: Horace, *Epist.* 1.12.19.

155 Ainfridus: Eanfrith (*ASC*, s.a. 634).

158 sui . . . omnia: accusative with "latet."

- cognicio Cause! Fratres sunt hii duo, neuter
 160 uel penam meruit mortis uel premia uite;
 protulit hos ambos hec una parentibus hiiidem.
 Quis sciat hanc causam, quis dissest hanc racionem?
 Cur excretur hunc et cur diligit illum,
 et cur presciat hunc et cur predestinet illum?
 165 Seu Cloto similis, seu constellacio compar,
 siue planetarum motus non affuit idem,
 non subsistit in hiiis illius causa. Priusquam
 esset Cloto, priusquam constellacio uel quam
 ipse planetarum motus, prouidit utrumque
 170 eius mens infallibilis; non ergo per illa
 euenit hoc, nec enim presentis causa futura
 esse potest, nec erunt cause postrema priorum.
 O quam dissimiles pueros, quam dispare rerum
 euentu, quam dissimiles genuere parentes;
 175 nec minus, hoc eciam geniti patre, matribus autem
 diuersis, fratres istorum quinque fuerunt,
 Oswius, Oslacus, Oswaldus, Osaphus, et Offa.
 Forsitan Oswaldo dissentit mens alicuius
 stulta, uidetur enim quod deroget eius honori
 180 uel pater infandus uel frater apostata, set nec
 patris seuicia nec fratris fraude meretur
 detrimenta pati uenerabilis eius honestas. A 178r
 Ipse methaforico meruit cognomine dici
 fons fidei, seu gemma uirum, seu mel pietatis, B 58r
 185 seu flos milicie. Set eis contraria ponunt

163 excretur *AB*: detestetur *Am*
 aliquorum *A* 185 eis *ed.*: eos *AB*

176 fratres *B*: fratris *A*
 ponunt *AB*: uel dicunt *Am*

178 alicuius *B*:

161 hec: viz. "cognicio."

165–72 Seu Cloto similis . . . priorum: this vindication of the sovereignty of the First Cause over destiny on a natural level recalls several passages in miracle stories in which Henry asserts that the occurrence transcends the terms of natural law. Cf. ll. 1040 ff. below, as well as *VF* 1.91–125, and *VH* 1206–27. It also exemplifies Henry's fondness for easy reference to the vocabulary of the schools, as does the passage in the *VF*.

177 Oswius . . . et Offa: Reginald, chap. 1 (*Symeonis monachi Opera* 1:340); *ASC* E, s.a. 617. "Oswaldus" is a slip for the "Oswudu" of Reginald.

178–94 Forsitan . . . aurum: this passage contrasting Oswald with his kin recalls the use of the "rose among thorns" metaphor by Drogo (*Acta Sanctorum*, August II, 94F) and Reginald, chap. 8 (*Symeonis monachi Opera* 1:344).

185 ponunt: indefinite subject.

- limum, seu lutum, seu ceram, seu saliunquam;
 est autem certum quia si fons associetur
 limo, gemma luto, mel cere, flos saliunce,
 nil fons humoris ideo, nil gemma uigoris,
 190 nil mel dulcoris, nil flos amittit odoris.
 Ergo collatus hic eis quamcumque propinqua
 ipsorum nullam traxit ex habitudine labem.
 Assistens auro cuprum non derogat, immo
 admotum cupro nitet excellencius aurum.
 195 Elles interea Deyrorum sceptras tenentis
 adiecit regnum sex lustris quatuor annos;
 regnantem uero post Ellen rex Ethelfridus
 expulit Edwinum, licet ille sororius eius
 esset et adicerent fedus commune nepotes.
 200 In tantum facinus tantum prorumpere regem
 compulit ambicio, uicium quod nec pietatem
 attendit, nec iura tenet, nec federa seruat.
 Federis impietas uehemencius obice feruet,
 blanda nec effecit mediatrix Acca duorum
 205 seuus ut innocuo sponsus mitescere fratri
 uellet; auaricia partes rationis agente
 fraus nichil exorret, stimulata cupidine lucri.
 Utque uirescentis ridens lasciuias prati
 quando mouere solet geminos in bella iuuenos,
 210 iunior et cuius nondum palearia pendent,
 non uenas implet sanguis, non ossa medulle,
 non nerui pectus armant, non cornua frontem,
 postquam perpendit se uiribus inferiorem,

186 seu lutum *B*: siue lutum *A* 190 flos *BAC*: fons *A* 192 traxit *B*: trahit *A*
 193 auro cuprum *A*: aurum cupro *B* derogat *B*: deroget *A* 194 admotum *AB*:
 uel adiunctum *Am* excellencius *A*: excellius *B* 195 interea *B*: in terra *A* 199 et
BAC: *om. A* 203 Federis . . . feruet *A*: *om. B* 208 Comparacio *Am* uirescentis *B*:
 in recesitis *A* 209 quando mouere solet geminos *B*: aspera quando mouet ualidos *A*:
 uel monet *Am* iuuenos *B*: uiuentos *A* 210 nondum *A*: non *B* 213 postquam . . .
 inferiorem *BAC*: *om. A*

186 saliunquam: Celtic nard or valerian (Pliny, *HN* 21.20.43). The pejorative comparison must rest on the visually unappealing aspect: it is "herba uerius quam flos," according to Pliny. The most likely route by which Henry acquired the word would be Virgil, *Ecl.* 5.17.

208–26 Utque uirescentis . . . spoliato: cf. Ovid, *Met.* 2.854, and Virgil, *Georgics* 3.53; also ll. 663 ff. below.

- 215 discedit profugus ignotaque pabula carpit
 donec inexpletas maturent tempora uires—
 mox redit et pugnat et taurum uincit eundem
 a quo uictus erat et pabula prima resumit—
 sic ubi se nondum solidatis robore neruis B 58v
 sensit Ethelfridi non posse repellere uires,
 220 Edwinus quocunque fugam compulsus inire
 exul apud regem Radwaltum tempore multo A 178v
 dilituit, cum quo sibi suffragante reuersus
 strauit Ethelfridum gemmataque sceptrata resumpsit
 que tribus optinuit lustris annisque duobus.
 225 Sic forti leso prestatur causa nocendi,
 predo facit diues raptorem de spoliato.
 Territa morte uiri puerorum sedula custos
 a facie fratris ad Scottos Acca profugit
 cum pueris et ibi latuit dum frater obiret.
 230 Ante diu sacra mater eis ostenderat omnes
 articulos fidei set nullo teste probatos;
 mox ubi Scottorum fuit attestante senatu
 hec illis ostensa fides nullusque remansit
 erroris scrupulus, fratres baptisma salutis,
 235 set non ut fratres, non ut baptisma salutis,
 insiliere, pari uultu, set dispare cultu;
 sicque simul loti, simul apparere fideles
 in primis poterant, set in hiis examina fallunt,
 euentus mutant, a fine sciencia pendet,
 240 iamque uidebatur uitam caussasse nepotum
 regnantis patruī mors expectata tot annis,
 quem simul auxilio Pende Cadwallo peremit.

215 donec . . . uires *B*: dum ualidum robur totos solidauerit armos *A* 217 resumit
BAC: resedit *A*: uel pascua prima resumit *Am* 218 sic . . . neruis *B*: sic ubi se uim ui non
 posse repellere nouit *A* 219 sensit . . . uires *B*: *om.* *A* 220 quocunque *BAC*: quod-
 cumque *A* 222 dilituit *B*: diuertit *A* 224 que *BAm*: et *A* 225 causa *BAC*: tam *A*
 230 mater *BAC*: uirum *A* 232 attestante *B*: acclamante *A* 233 ostensa *B*: manifesta
A nullusque remansit *B*: baptisma salutis *Ac*: bapt'ma salutis *A* 234–36 erroris . . .
 cultu *B*: insiliere simul, set non simul insiliere, / ut fratres set non ut fratres insiliere, /
 omnino penetrans set non omnino penetrans *A* 235 ut fratres *ed.*: fratres *B* 237 loti
BAC: leti *A* 238 hiis *BAC*: hec *A* 239 mutant *BAm*: nutant *A* 240 iamque . . .
 nepotum *B*: diuinamque pari uultu set dispare cultu / susceperē fidem uiteque nepotibus
 una *A* 241 regnantis patruī *B*: causa fuit pati *A*: causa fuit partim *Ac*

- Berniciam repetens cum natis Acca duobus
 est ibi cum magno procerum suscepta fauore,
 245 cuius honorando fratri duo regna tenenti,
 silicet Edwino, duo successere tyranni,
 e quibus hic Deyris (hoc est Osricus) et ille
 Berniciis (hoc est Ainfridus) prefuit, ambo
 sacrilegi quos iusta Dei sententia dampnans
 250 uix tulit ut possent unum regnare per annum.
 Baptizatus enim Christumque professus uterque,
 postquam suscepit patrum moderamina regni,
 ingratus Christo uite regnique datori
 suscepte fidei proiecit apostata cultum
 255 factoremque suum nullo dignatus honore;
 pronus adorauit manuum figmenta suarum—
 sic ingratorum mos est, pro culmine lapsum,
 pro merito culpam, pro dono reddere dampnum.
 Tantis equa malis referente stipendia Christo,
 260 fastus iniquorum primo prosternitur anno
 utque malos alterna sui contencio perdat
 morte repentina Cadwallo preoccupat ambos.
 Non impune potest fidei constancia ledi;
 terribilem nullus euadit apostata finem.
 265 Hanc ubi uindictam diuina subintulit ira,
 rex cuius reges premit excellencia, cuius
 presens eterno liber attitulatur honori,
 Oswaldus, patruo regi successit, eorum
 iure replens utrumque locum. Sic namque decebat
 270 heredem consanguineum rex religiosus
 ut regni pariter et religionis haberet.
 Et placuit cunctis regum numerantibus annos
 neuter ut illorum quos supradiximus inter
 catholicos reges deberet apostata scribi,
 275 set regno regis Oswaldi cederet annus
 in quo suscepte fidei fregere tenorem,

B 59r

A 179r

243 repetens BAc: repens A cum natis BAc: natis cum A 246 successere A:
 successore B 251 uterque B: utrique A 252 patrum B: patrii A 255 nullo BAc:
 five minims in A 262 Marginal drawing of hand points to line in B 263–64 Non
 impune . . . finem B: lines reversed in A 264 finem BAc: casum A 268 patruo
 regi B: regi patruo A 269 replens B: tenens A

- ut decus Oswaldi regni sibi tempus adeptet
 per quod deleri meruerunt. Crimine, fraude,
 fastu, seuicia, luxu, sordebat eorum
 280 fama; set illius effulsit uita fidesque,
 maiestas, uirtus, et prosperitas: sine luxu
 prosperitas, sine seuicia uirtus, sine fastu
 maiestas, sine fraude fides, sine crimine uita.
 Cuius ymago decens, uirtus, et cetera dotum
 285 copia talis apud ueteres depingitur Anglos: A 179v
 statura celsus et rectus erat quasi cedrus, B 59v
 cesarie flauus et crispus, fronte serenus
 et uiuens, naso prescisus et equus, ocellis
 ridens et glaucus, facie tener et rubicundus,
 290 ore decens et conspicuus, mento speciosus
 et biuius, wltu spaciosus et orbicularis,
 renibus et uentre gracilis quasi uirgo, lacertis
 et digitis longus, humeris et pectore densus,
 ossibus et neruis rigidus, uirtutibus et ui
 295 compropagatus, animis et corpore quadrus,
 moribus et studiis simplex, sensu et ratione
 prospiciuus, titulis et origine clarus, honore
 et dicione grauis, uerbis et mente benignus.
 Quid refero? Natura parens affuderat uni
 300 omnia que possunt uel perfectiua fuerunt
 roboris humani uel adornatiua decoris.
 Huic eciam Fortuna fauens dictante Sophia

277 ut . . . adeptet *A: om. B* regni *A: uel regis Am* 278 per quod deleri meruerunt *B: quo se fecerunt indignos A* 285 depingitur *B: describitur A* 286 celsus et rectus *B: rectus et celsus A* 289 facie *B: stacie A* 290 speciosus *B: spaciosus A* 293 densus *B: latus A* 297 prospiciuus *ed.: prospiciuis A: perspicuus B* 298 mente *B: corde A* 300 possunt *in marg. B: potius A: om. B*

277 adeptet: read "adoptet." Latham lists a tenuously attested form *adeptio* for *adoptio*.
 284–98 Cuius ymago . . . benignus: Reginald, chap. 50 (*Symeonis monachi Opera* 1:378–79), says that his analogous description derives from an English-language source: the rubric of the chapter asserts "verbo in verbum sicut potuimus in Latinum transtulimus"; at the end of the chapter we read that one Robert, a hospitaller of York, found the English account, apparently written in the Anglo-Saxon accentual meter, "cuius etiam genus dictaminis in modernae linguae modulatione rhythmico pedis metro decurrit."

291 biuius: presumably used of a cleft chin.

295 compropagatus: "very well built," an intensive of Latham's *propagatus* ("well-built").

299–301 Natura parens . . . decoris: cf. *VF* 13.25–29.

ipsius imperiis arrisit, eoque iubente
Berniciis Deyros, Pictos, Scotosque subegit.

- 305 Iamque Britannorum seuire tyrannica pestis
ceperat ulterius, nondum contenta cruore
martiris Edwini sceleratorumque duorum
quos regis feritas iniusti iure peremit.
Eius enim feruebat adhuc insania, nulli
310 parcere proponens de successoribus Yde.
Nam proprie proprium Cedwelle nil nisi cedem
uelle fuit, nec habere uias nisi sanguine fuso,
militibusque suis nil posse resistere iactans,
in numeris quorum uix milibus ampla ferendis
315 sufficebat humus, calcabat regna, Deoque
nec par esse ualebat, nec minor esse uolebat.

A 180r

- Miles ab aduerso suplex Oswaldus, et armis
plus fidei fidens quam ferri, ferre triumphum
presumit non de sociorum uiribus, immo
320 de uirtute Dei, cuius suffragia sperans
hostes contempnit, excercituique superbo
omnia milicie tot milibus arua prementi
audet dux humilis socios opponere paucos,
nec tamen in pugnam subito prorumpere cursu
325 cum quadam feritate placet, set supplice dextra
exaltat lignum sancte Crucis ut mediante
exaltetur eo, Christumque profusus adorat
ut uelit indomite fastum prosternere gentis
prosperiusque suis donare fidelibus omen.
330 Finitis precibus, facta cruce rursus et alte
inposita fouee manibusque duabus ab ipso
undique suffulta, foueam tellure sodales
firmiter inpressa glebisque uirentibus implent:
sicque triumphali uexillo castra fidelis

B 60r

303 ipsius imperiis *B*: illius imperiis *Ac*: imperiis illius *A* 305 Iamque *AB* (corrected
from *Namque in B*) seuire *B*: seruire *A* 311–13 Nam . . . iactans *B*: 313 precedes
311/312 in *A* 311 proprie *B*: propere *A* nil *B*: non *A* 322 omnia . . . prementi *A*:
om. *B* tot *Ac*: ut *A* 328 fastum *A*: factum *B* 333 uirentibus *BAC* (corrected
from earlier reading in *A*)

308 quos . . . peremit: i.e., Eanfrith and Osric.

311–12 cedem uelle: paranomasia on “Cedwelle”; cf. “Rogere,” l. 72. See also l. 355.

- 335 premunita ducis replet inspirata superni
 gratia consilii, prosternendisque pauorem
 hostibus inmittit Crucis admirabile signum.
 Consiliumque fuit quod promulgasse beatus
 dicitur Oswaldus, ut uoto supplice flexis
 340 ante crucem genibus collectio tota precetur
 eternum uerumque Deum, qui dimicat eque
 in paucis sicut in multis quatinus in se
 sperantes seuo dignetur ab hoste tueri.
 Imperio regis exercitus eius obedit;
 345 hostibus inde suis congressus ab incipiente
 dilucilo iuxta fidei monimenta triumphat,
 parte Britannorum iaculo pereunte timoris,
 parte superuacuum bellis adhibente laborem.
 Iamque parum prosunt galee ceruicibus: ensis
 350 fulminat in galeas et sanguis inebriat ensem.
 Inde ferus sonipes laxis spaciatur habenis;
 inde pedes, hinc crura iacent, hinc brachia nuper
 corporibus diuulsa suis, cruor undique manat
 concoloresque rosis facit herbas, iamque suorum
 355 Cedwallam cedes uallant quem regius ensis
 cedit et eterno cedendum mittit ad umbras.
 Iure quidem cecidit unus ne cederet omnes.
 Quale scelus, talis infligitur ulcio; mortem
 qui sitit alterius, propriam gustare meretur.
 360 Sic pereunt hostes nulloque superstite de tot
 milibus, ad nichilum tam pauca gente redactis.
 Oswaldus, gaudens habito pro uelle triumpho,
 se uirtute Crucis hoc obtinuisse fatetur.

336 pauorem *AB* (*corrected from fauorem in B*) 340 collectio tota precetur *B*:
added by Matthew Paris in A 341 dimicat *B*: dimittat *A* 344 eius *B*: omnis *A*
 346 monimenta *Ac*: momenta *AB* 347 parte *BAC*: parce *A* pereunte *BAC*: pereunti
A 349 Iamque parum *A*: Iamque suis *Ac*: Iam patrum *B* 350 galeas *A*: galeis
B 353 diuulsa *A*: densa *B* 354 concoloresque *B*: concolorisque *A* iamque *B*:
 namque *A* 355 cedes *BAC*: cedens *A* quem *BAC*: quam *A* 356 eterno *B*: ulterius
A ad umbras *B*: Auerno *A* 357 Iure quidem *AB*: Utiliter *Ac* cecidit *A*: tendit *B*
 362 triumpho *B*: tropheo *A*

357 Iure . . . unus: cf. Jo 18:14.

- O Crux bellipotens, O formidabile signum
 365 hostibus, in cuius sic nomine uincitur hostis!
 O uere lignum super omnia ligna, uirescens
 fronde, nitens flore, speciosum germine! Dulce
 lignum, quam dulces clauos, quam dulcia gestans
 pondera, corripuit fatalis toxica mali.
 370 Nec mirum, si Crux mortalem conterat hostem
 cuius ad effigiem nec spiritualis adesce
 audet—ab antiquo uictus fuit ille per illam.
 Summo namque Patri talem de iure decebat
 reddi, qualis Adam fuerat, de uirgine terra
 375 quem Deus efficeret natura non mediante,
 peccati qui labe carens, uirtutis honore
 primitus excellens, deitatis ymagine fulgens,
 morte scelus lueret pro quo mors strauerat Adam;
 seque Patri talem prestante per omnia Christo,
 380 ex quo per lignum serpens seduxerat Euam,
 ex ligno decuit talem constare stateram
 qua trucidaretur perpendiculariter, utrum
 pena redemptoris grauior foret an scelus Ade,
 in qua dum Christus ex una parte pependit,
 385 humanum genus ex alia, Christus moriendo,
 humanumque genus peccando. Passio Christi,
 humani generis grauior quocumque reatu,
 mole sua fecit aliam descendere lancem.
 Set quantum pressit hanc, tantum sustulit illam:
 390 hec igitur Christum depressit ad infima mundi,
 hec genus humanum tulit ad fastigia celi,

A 181r

B 61r

364 *Guide letter O not executed in A* 369 corripuit fatalis toxica mali *B*: perpetuo
 miseris a compede soluit *A*: miseros *Ac* 378 lueret *A*: luci et *B* 379 seque *B*: sicque
A 384 parte pependit *B*: perpendit parte *A* 386 peccando *B*: sperando *A* 388 sua
A: sui *B* 389 tantum *B*: tantam *A* 390 hec *AB*: hinc *Ac* depressit *B*: detrusit
A 391 hec *AB*: hinc *Ac*

364–419 O Crux . . . reparacio uite: several extensive passages in this meditation appear verbatim in the *Versus de corona spinea*: cf. *Versus*, ll. 232–39, 268–72, and 284–93. Since the *terminus a quo* of the *Versus de corona spinea* is 1241 (the translation of the True Cross to Paris), the present poem is the source for the later borrowing. The parallels do not support either manuscript of the *VO* over the other.

366–69 O uere lignum . . . pondera: Venantius Fortunatus, *Pange lingua*, l. 24.

376 qui: viz. “talem”—i.e., Christ.

- cumque teneretur magni perhibere duelli
 finis an humanum genus eternalibus esset
 suppliciis dignum subcumbere, ius quasi censor,
 395 Crux quasi campus erat, serpens et Adam quasi partes,
 mors et uita quasi pugiles—O nobile bellum,
 O felix campus, ubi mors et uita duello
 confluxere pari naturalique triumpho
 mors superata fuit! Vel enim pulsata recurrit
 400 uel constans natura manet cuiuslibet entis.
 In Crucis hoc igitur bello, quia contigit ille
 motus et illa quiaes, uite natura recurrit
 et mortis natura manet; se uita resumpsit,
 se mors conseruat, et permanet utraque secum.
 405 Post Ade lapsum, de iure decebat ut aut mors
 uiueret, aut uita moreretur, et in Cruce uita
 mortua, ne sineret in nobis uiuere mortem,
 mortem uiuentem uita moriente peremit.
 In Cruce prostrauit mors uitam uitaeque mortem:
 410 mors uitam uita priuauit uitaeque mortem
 morte trucidauit; set uita uita carere
 non longum potuit. Mortem mors semper habebit.
 Nempe prothoplausti crimen, mors, uita parentis—
 crimen preteritum, mors presens, uita futura—
 415 exegere sibi Crucis hec misteria: crimen
 causa fuit mortis, et mors priuacio uite.
 Hoc in conflictu Crux in se iura redegit
 criminis et mortis et uite, facta lauacrum
 criminis, excidium mortis, reparacio uite.
 420 Inde pauere Crucem didicere diabolus et mors;
 miraque diuine dat dispensacio dextre
 ut cum non possit apud omnes esse fideles
 Crux eadem Christi, nec enim se tam breue corpus
 in tot sufficeret mundi diffundere partes,
 425 forma recompenset defectum materiei,

A 181v

395 partes B: partes A 398–405 naturalique triumpho . . . post Ade lapsum A:
 om. B 402 recurrit ed.: recurrit A 407 ne A: non B 414–16 crimen . . . uite B:
 414 follows 415/416 in A 421 miraque A: auraque B 422 cum BAc: eam A

et crux que non est Crux lignum sufficit ut sit
Crux signum; non Crux eadem, set Crucis imago.
Cumque sit hec eius quasi complantata figure
deriuatiue speciei ducit ab illa

430 nomen et effectum, persone nomen, honoris B 61v
effectum, nomen crucis, effectumque triumphi.

Illa quidem uite mortem pessumdedit, ista
pignoribus uite subiecit pignora mortis,
scilicet Oswaldo Cedwellam, catholicisque
435 ydolatras, placidisque truces, sacrisque prophanos.

Permissusque locus tantum conscire triumphum
tunc primo sciuit causam cur nomen haberet
“Heuenefeld,” hoc est celestis campus: id illi

nomen ab antiquo dedit appellacio gentis A 182r
440 preterite, tanquam belli presaga futuri,
nominis et causam mox assignauit ibidem
celitus expugnans celestis turba scelestam
et sacra sacrilegam, simplexque supersticiosam.

Neue senectutis ignauia possit honorem
445 tam celebris delere loci tantique triumphi,
ecclesie fratres Augustaldensis adesse
deuoti missasque solent celebrare quot annis,
quoque loci persistat honos in honore beati
Oswaldi regis ibi construxere capellam.

450 Fama, decus, nomen illic illius habetur,
perpes fama, manens decus, indelibile nomen.

Predicte crucis indigene decidere quasdam
particulas laticique solent immittere puro,
quo si potetur aut aspergatur hanelum

455 aut languorosus pecus aut homo, protinus aut hoc
aut hic abesse sibi gaudet quod inesse dolebat.

427 eadem *ed.*: ea *AB* 428 Cumque *B*: Cum *A* quasi *B*: sic *A* 434–35 sci-
licet . . . prophanos *A*: *om. B* 436 Permissusque *A*: Premissusque *B* tantum *B*:
cantum *A* 443 et . . . supersticiosam *Am*: *om. AB* 447 deuoti missasque *B*: deuoti
miseramque *A*: cum pompa missasque *Ac* solent celebrare *A*: celebrare solunt *B*
452 decidere *B*: discedere *A*

428 hec: viz. “imago.”

eius: viz. “Crucis.”

quasi complantata figure: cf. Rom 6:8.

- Constat idem multis, supradicteque Bodelmus
ecclesie frater hec in se mira probauit.
Nocte, pruinali presso caligine celo,
460 non oculo sibi set baculo prestante ducatum,
ibat et incautum festinantemque fefellit
lubrica sub pedibus glacies, fregitque lacertum;
cumque semel quidam fratrum proponeret ire
Heuenefeld propter quedam facienda, Bodelmus
465 obsecrauit eum crucis ut sibi quando rediret *B 62r*
curaret dare particulam quamcumque minutam.
Ille reuersus ei de musco prebuit illo
unde superficies sacri fuit obsita ligni.
Cumque sedens inter socios discumberet eger
470 ad mensam, nec haberet ibi pro tempore quicquam *A 182v*
oblatum sibi munus ubi componere posset,
inmisit sinui; cum deinde recumbere uellet
oblitus dimisit ibi cessitque sopori.
Nocte quasi media sompni torpore solutus,
475 nescio quid gelidum circa precordia sensit
admotaque manu cepit palpare quid esset,
et subito stupuit ita conualuisse lacertum
ac si nulla prius in eo lesura fuisset.
Inde Crucis debemus opem sperare fideles.
480 Spe directa fides operatur Cruxque salutem
exequitur, sicut patuit perhibente Botelmo.
Quoque Crucis tanto sit gravior ille fauori,
Crux memor illius fuit et Crucis immemor ille.
Hoste triumphato, Crucis inpetrata fauore
485 Oswaldi predicta fidem uictoria firmat.
Imperio cuius quantum restare uidetur
ut qui corporeas attriuit spirituales
atterat insidias et utrosque coerceat hostes,
exturbare suis affectat finibus hostem
490 rex nouus antiquum desiderioque benigno
feruet ab omnimodo subiectos hoste tuendi.
Plus cumulum pensans oneris quam culmen honoris,
plus uerbo prodesse uolens quam uerbere preesse,

475 circa *BAC*: trica *A*
486 restare *B*: superesse *A*

476 cepit *BAC*: cepite *A*
487 attriuit *B*: contriuit *A*

479 Inde *AB*: uel ergo *Am*
488 atterat *B*: conterat *A*

- 495 quos a morte breui debet defendere morte
 eterna dolet esse reos, optatque prophanis
 in commune bonum fidei deducere lucem.
 Hanc igitur cupiens toto diffundere regno *B* 62v
 exul apud Scottos quia sacramenta salutis
 sumpserat, a Scottis et poscit et inpetrat una
 500 ut sibi mittatur antistes ydoneus et qui *A* 183r
 religione sua quamcumque supersticionem
 debeat, exemplo celeberrime uerboque disertus.
 Missus ei presul qui nomen ab auxiliando
 ducit: Aydanus satis auxiliatur ad eius
 505 propositum Christique fidem dilatat in omnes,
 nitens ydolatrias, nitens absoluere sentes
 errorum tenebris, aquilonis frigore: gaudet
 ydolatrias in catholicos conuertere, sentes
 in sanctos, tenebras in lucem, frigus in estum.
 510 Eius episcopio fit Lindisfarnia sedes
 deuotique studet ibi munificencia regis
 grande monasterium grandi componere sumptu.
 Illic iocundum uisu, mirabile dictu,
 sepe solet fieri, populis antistite legem
 515 explanante Dei, documenta uidelicet huius
 Scoti doctoris animo cuiuslibet Angli
 auditoris erant nullum generancia sensum;
 at rex Oswaldus ydiomata nouerat ambo,
 spargentique uiro diuini semina uerbi
 520 interpretare astare solet, studet ille quid, iste
 quomodo, dicendum; saciande fercula mentis
 hic facit, ille parat, hic decoquit, ille decorat,
 hic mouet, ille locat, hic suggerit, ille ministrat.
 O rex sollicitus, O regia sollicitudo!
 525 Corpora rex, animas debet curare sacerdos;

497 cupiens *B*: cupifus *A* 499 inpetrat *B*: optinet *A* 500 antistes *BAC*: antiste *A*
 510 episcopio *BAC*: episcopo *A* 511 studet *BAC*: sedet *A* 513 dictu *BAC*: deum *A*
 515 explanante *B*: insinuante *Ac*: in sinu ante *A* 518 at *B*: set *A* 520 interpret
 astare solet *B*: assistens interpret erat *A* studet *A*: sudet *B* 521 dicendum *A*: diuini *B*
 522 decorat *B*: decorit *A* 523 locat *BAC*: motat *A*

504 Aydanus satis auxiliatur: the pun is probably from the Norman vernacular, as the *OED* gives the word's first appearance in English as considerably later.

- Oswaldus, curans animas et corpora, curis
dum simul ambabus uacat, inde negocia regis,
inde sacerdotis gerit, omnibus omnia factus.
Que tantum regem uirtus denominet? Omnes
530 certant uirtutes, set munificencia uincit, A 183v
eternique boni captus dulcore bonorum B 63r
qualia mundus habet non irretitur amore.
Non uult in gemmis teshaurizare uel auro,
nec uitro gemmas cuproue libencius aurum
535 confiscare cupit, set egentibus omnia donat,
regali tantum sibi maiestate retenta.
Nullus inops ab eo fertur tolerasse repulsas
set quociens inopes uite suffragia poscunt,
suplex Oswaldus hos audit et absque tumore
540 uiscera pectus eis oculos inclinat et aures;
nullum uisceribus preclusis, pectore duro,
auersis oculis, aut surda preterit aure.
Exiguuum reputans quicquid pro nomine Christi
pauperibus donare potest, ubi prodigus alter
545 esse uideretur in eo se fingit auarum.
Poscenti poterit dare nemo superflua Christo,
Christus enim pro simplicibus dat centupla, plusque
fenoris accipiet qui plus accomodat illi.
Hanc quia donandi finalem regia causam
550 intendit pietas moderari munera nescit.
Nulla uidetur ei largicio prodiga, nullum
preter auariciam uicium putat esse datoris.
Hos yperbolice titulos ascribere sancto
ne uidear, superest ut de tot milibus unum
555 prosequar exemplum, reliquo iam corpore uerso
in cinerem quare maneat manus integra carne
et cute, constanter et semper mollis et alba.

526 curans *B*: seruans *A* 534 cuproue *B*: curroue *A*: cepitue *Ac* 535 confiscare
BAC: confiscore *A* 537 repulsas *B*: repulsam *A* 540 inclinat *BAC*: inclinet *A*
546 poterit dare nemo *A* : nemo poterit dare *B* 549 causam *BAC*: tuum *A* 553 Hos
AB: Quos *Ac* 554 de *A*: om. *B*

528 omnibus omnia factus: 1 Cor 9:22.

539 suplex: antiphrasis to suggest Oswald's paradoxical humility before those who are *his* suppliants.

- Rex et Aidanus festum Paschale colentes
 leta resurgentis celebrabant prelia Christi,
 560 et post missarum solemnna rite peracta,
 omnibus impletis Paschali mentibus Agno A 184r
 altera corporibus querunt alimenta replendis;
 cumque ligustrassent tabulas mensalia latas,
 iam discumbebant ibi collateraliter, et iam B 63v
 565 ceperat appositos presul benedicere panes.
 Ecce superueniens quodam sacer impete frater
 cuius egenorum delegabatur agenda
 cura ministerio. Collectis undique multis
 atria pauperibus ostendit tota repleti,
 570 quos sperata iubet elemosina regis adesse.
 Rex clemens, rex munificus, rex laude perhenni
 dignus, ad hanc uocem solita pietate mouetur
 appositumque sibi confringi precipit illis
 argenti multo constantem pondere discum.
 575 Presul Aydanus, hoc delectatus in actu
 principis, "Hec," inquit, "numquam manus inueterascat!"
 Vota uiri mouere Deum: manus integra regis
 nunc quoque perdurat nullo uiolabilis euo.
 Nobilis interea Kinekils filia regis
 580 nubere debebat tanto Kineburga marito,
 uirgo statu gestuque decens, pietate fideque
 insignis, sensu sexuque pudica, fauore
 blandiciisque placens, wltu cultuque decora.
 Nec tamen Oswaldi potuit superare uigorem
 585 uel grauis anxietas, uel luxuriosa iuuentus,
 uel mera simplicitas, uel splendida forma, uel ipse
 omnia qui uincit amor, in connubia preceps,
 ut sibi uellet eam nuptu coniungere donec
 ydolatre soceri posset prius esse patrinus
 590 quam gener, et fidei sibi federe iungeret ambos.

559 leta *B*: clara *A* 571 clemens *B*: liber *A* 576 numquam *B*: non quam *A*
 578 nunc *B*: hunc *A* 579-80 Nobilis . . . marito *B*: Interea regi tam largo tam ueneran-
 do / tam celebri causa prolis Kineburga creande / nubere debebat Kinegils filia regis *A*
 581 decens *B*: docens *A* 585 iuuentus *B*: uiuentus *A* 587 preceps *A*: princeps *B*

563 ligustrassent: "had whitened," as with blossoms. See Latham, s.v. *ligustro*.

587 omnia . . . amor: Virgil, *Ecl.* 10.69.

- Ille, ministerio sancti mediante Birini, A 184v
 rege sacro multum suadente, renunciat hostis
 fraudibus antiqui lauacrique renascitur undis.
 Dicta renascentis Oswaldo filia nubit.
- 595 Soluitur in fructum flos uirginitatis uterque
 quo propagatur generosa propago, puerque
 prodit Edelwoldus Deyre quem sceptrā manebant. B 64r
 Effectu sobolis uergente, licencia lecti
 cessat et in primo cohibentur gaudia partu.
- 600 Gaudet uterque parens quod in ubertate probetur
 partus, et abiecta libiti dulcedine mellis
 et liciti patitur set non deducitur, aret
 fluctibus in mediis, medio non ardet in igne;
 quoque minus ueneri regis subcumberet ardor,
- 605 post matutinas precibus psalmisque latenter
 inuigilare solet, nulli sua lumina sompno
 indulgens donec ortum pretenderet orbi
 Lucifer Aurore iubar aut Aurora diei.
 Ipse quidem raro pigritans, instancius orans,
- 610 ad celeste bonum spirans, mundana profundens,
 oppressos miserans, sua cuique stipendia reddens,
 omnino perfectus erat, piger ad pigritandum,
 iugis ad orandum, celer ad celestia, mundus
 ad mundana, pius ad egenos, iustus ad omnes.
- 615 Inter tot laudum titulos quibus ipse refulxit
 istud precipue mirum de principe tanto
 dicitur, orandi quia sic inoleuerit usus
 illi continuus ut quandocumque sederet
 aut ubicumque, manus ad Christi munera iungens
- 620 in summo genuum solitus sit habere supinas.
 Oswaldus regnasse nouem sic dicitur annis
 excellens summa laudis summaque triumphī.

591 mediante *A*: meditante *B* 597 quem *B*: quam *A* 598–620 Effectu . . . supinas
B: om. *A* 621–22 Oswaldus . . . triumphī *B*: Sic igitur regnasse nouem sanctissimus
 annis / dicitur Osuualdus excellens laude triumpho *A*

598–620 The passage, found in *B* only, treats material not included in *HE* but found in Reginald (*Symeonis monachi Opera* 1:349). There, however, Oswald's adoption of celibacy follows upon his recovery from a plague and a vision in which he learns of his coming martyrdom, while Kyneburg subsequently takes the veil at the urging of Osthryth.

- Cuntis uirtutum titulis effulxit; et ecce
 laus: tria regna suo subiecit. Et ecce triumphus:
 625 quem sexcentesimo quadragesimoque secundo
 anno post ortum nati de uirgine Christi
 Augustique die quinto cum gente feroci
 Penda superueniens longa iam pace solutum
 occupat et comitum dispersis undique turbis
 630 illius inpetui nichil unde resistat habentem, *B* 64v
 tantus tam raro munitus milite princeps
 cogitur instanter hosti uel cedere uel non
 cedere. Si cedat, ad dedecus hoc sibi cedit;
 et si non cedat, illi cedetur ab illo.
 635 Quid faciat? Fugiatne timens, an supplicet hosti
 ut sibi parcatur, an dilatoria querat
 dum socii redeant, an pugnet uiribus impar?
 Si fugiat pudor illud erit; si supplicet hosti
 hostis non parcat; si dilatoria querat
 640 non impetrabit; si pugnet uiribus impar
 occidet. Ergo quid est illi consulcius? Ecce
 quatuor, et nichil est quintum quod preferat horum.
 Ardua consistunt hinc inde pericula, spemque
 excludit pudor hinc fame, paupor inde salutis.
 645 Ipse graues casus circumspicit, ut leuiorem
 eligat et uitet mala que diuturnius insunt— *A* 185r
 omne malum peius quanto diuturnius, unde
 cum sit mors homini breuis et confusio longa,
 iudice peior eo pudor ipsa morte uidetur.
 650 Propter quod res est, hoc plus est, uitaeque cum sit
 propter honestatem, uitam precellit honestas.
 Rex igitur prudens mauult amittere uitam
 quam decus et cedi uictor quam cedere uictus.
 Occurrunt quot militibus tot milia; corpus
 655 unusquisque suum nequiens defendere uendit.
 Set quis mille uiris uir non subcumberet unus?

623 effulxit *B*: effulsit *A* 624 suo *B*: sibi *A* 625 quem *B*: hunc *A* 630 nichil
B: nil *A* 631 raro *A*: uiro *B* munitus *B*: uallatus *A* princeps *B*: uictor *A*
 641–42 Ecce . . . horum *B*: Omnis / hos odit casus et oportet ut eligat unum *A* 644 paupor
B: dolor *A* 645 leuiorem *B*: meliorem *A* 646 insunt *B*: obsunt *A* 648 homini
B: hominum *A* 649 pudor ipsa *B*: confusio *A* 652 igitur *B*: ideo *A* 654 corpus
B: uitam *A* 655 suum *B*: suam *A* 656 uir *B*: ubi *A*

Quisque tamen pugnat pro posse, trucidat hic unum,
 ille duos, hic tres, hic quatuor, hiccinque quinque,
 hic sex, hic septem, prout unicuique facultas
 660 ex uirtute sua datur aut ex debilitate
 oppositi. Sic multa cadunt prostrata prophane
 milia milicie set multo plura supersunt.

Utque duplex etas uiginti secula complens
 quando Iouis raras decerpit ab arbore frondes,
 665 nec reuirescendi permittit inesse uigorem,
 pars cadit in terram, iaculo percussa ciclopum,
 pars egro torpet senio, pars putrefit ymbre,
 parsque ruinoso reueretur uertice uentos
 iamque nec Ypotades nec obesse bipennifer illi
 670 Ligurgus poterit—per se casura uidetur;
 haut secus Oswaldi comites tot gentis inique
 milibus oppositi, tanta uirtute trucidant
 hostes, tot capita mutilant, tot pectora truncant,
 quod uirtus motiua sue priuacio tandem
 675 efficitur cause, naturalisque calor
 principium, sedes anime, custodia uite,
 incipit exhaustus per menbra faticere sanguis:
 pars gladiis effusa perit, pars corporis igne
 arefit annexo, pars extenuatur in auras;
 680 et licet occumbant, non proficit hostis in ipsis,
 intus enim uix inueniens quid ledere possit,
 mors ueluti sompnus insensibilisque subintrat.

Pro sociis orans ne morti spirituali
 succumbant quos corporee succumbere cernit,
 685 occidit Oswaldus rex inclitus et morientes
 insequitur quos non potuit defendere uiuos,

B 65r

A 185v

660 sua B: sui A 661 oppositi B: alterius A 669 iamque nec Ypotades nec
 obesse B: tunc licet iratus quid obesse A 673 mutilant B: truncant A truncant B:
 cedunt A 674 quod A: que B tandem B: cause A 675 cause B: tandem A
 676 custodia B: custodie A 678 igne B: estu A 679 arefit B: a re fit A 680 non B:
 nil A ipsis B: illis A

664 Iouis . . . ab arbore: the oak.

669 Ypotades: Aeolus.

669–70 bipennifer . . . Ligurgus: cf. Ovid, *Met.* 4.22. The reference takes into account only Lycurgus wielding the axe: the story has no other real relevance to the present context.

- cuius ad extremum deducti dicitur esse
talibus ad Dominum directa peticio uerbis:
“Te duce bellantes, te, rex eterne, rogamus,
690 non ne cedamur, set ne superemur ab hoste.
Corpora procumbunt; animas saluare memento.
Et mecum pro parte tua tot prelia passis,
tot mala, tot plagas, post prelia redde quietem:
post mala redde bonum, post plagas redde medelam.”
695 Has eius uoces mors ultima claudit, et ipso
sic orante pium mutilat capud impius ensis,
unde quod occubuit orans generale refertur
istud ab indigenis, “‘Animas Deus accipe,’ dixit
Oswaldus labens in terram.” Sic mutilatus
700 occidit, ecclesie pater, et pietatis alumpnus.
Nobile uirtutum uas frangitur et sibi celum
gaudet collato quo mundus luget adempto.
O sublunaris mutacio! nunc ubi spes, res,
laus, culmen, gemma, flos, gloria—spes uiduarum,
705 res pupillorum, laus plebis, culmen honoris,
gemma uenustatis, flos mundi, gloria regum?
Has inuidit opes nostre paradisis abysso
naturamque Deus tanto spoliauit honore.
- Martyris abscisum capud abscisosque lacertos
710 et tribus infixos palis pendere cruentus
Penda iubet, per quod reliquis exempla relinquit
terroris manifesta sui regemque beatum
esse probet miserum; set causam fallit utramque,
ultor enim fratris non iam timet Oswius illum,
715 immo timere facit; nec is est miser, immo beatus
cui sine fine datur bonitatis uisere fontem.
Quem quia glorificat paradisis, ne miseretur
mundus, apud mundum signis effulget apertis.
Eius enim sacro perfusus sanguine mira
- B 65v

687–708 cuius ad extremum . . . spoliauit honore *B: om. A* 709 Martyris abscisum
capud *B: Cuius et abscisum caput A* 710 infixos palis *B: affiros palus A* 714 non iam
B: minime A 715 is est miser *B: rex miser A* 716 cui . . . fontem *B: est qui fonte*
boni fruitur semel et sine fine A 719–1035 Eius enim . . . infixa cruentis *B: om. A*

710 pendere: playing on “Penda” in the next line.

- 720 effulget uirtute locus, quem ueris amenat
 risus et in uiridi rutilantes gramine flores.
 Indigenis celeber cuntisque salutifer egris,
 non homines solum set bruta dolentia sanat.
 Et certe longus (et forte superfluus) esset
- 725 exemplis instare labor—nam quodlibet horum
 conantem quamcumque breui perstringere uersu
 huius oporteret geminare uolumina libri.
 Ut tamen ex rebus uerborum pondera constant
 sufficiant expressa duo miracula de tot
- 730 milibus, et poterunt ex paucis multa notari.
 Forte uiatoris illac equitantis hanelus
 cepit equs stimulis non respondere set egrum
 declinare capud, densas emittere spumas,
 infirmos replicare pedes, subitumque minari
- 735 funus, et in terram trepidum dimittere corpus.
 Assistit stupefactus eques mortemque iacentis
 prestolatur equi, nec enim patet exitus alter.
 Anxius interea stimulo cogente doloris
 hac illac se uertit equs per queque uirecta,
- 740 et sic se uoluendo diu defertur ad ipsum
 forte locum de quo prediximus, unde patenter
 archanam sortitur opem surgitque repente
 sanus et incolumis, et precedencia nusquam
 signa doloris habens, uiridesque famelicus herbas
- 745 carpit et ad plenum se conualuisse fatetur.
 Miratur possessor equi mirumque uigorem
 sentit inesse loco tanta qui peste grauatum
 tam subito releuauit equum. Quod tempore longo
 admiratus, eques it quo pedes ire timebat.
- 750 Hospes et ipse simul cenant in uespere, barba
 ad barbam, uacuosque replent uacuantque repletos,
 more suo, calices et multa locuntur in illis.
 Dumque diu prebent se potibus et sibi potus,
 hospicii uultus accedit amicior, et mens
- 755 letior, affectus leuior, deuocio maior.

B 66r

729 duo miracula: two miracles, that is, specifically about the miraculous powers of the soil: ll. 731–828. Cf. *HE* 3.9–10.

- Interea grauitè suspirat et ingemit hospes,
 seua paralitice memorans incommoda neptis,
 cuius egestati nichil expectabile preter
 diuine pietatis opem tremor ille reliquit.
- 760 Tota domus pariter tristatur et unius omnes
 contristat morbus; predictus uero uiator
 spondet eis breue consilium longamque medelam:
 dicto namque loco uirtutem narrat inesse.
 Qua re duxit eques ubique miracula nuper
- 765 uiderit insinuat, argumentumque futuri
 eliciens ex preterito, multo magis illic
 esse procul dubio sanandam comprobat illam,
 si desideriiis comitata fidelibus assit.
 Hospitis astructam uerbis spem concipit hospes.
- 770 Egra puella locum curru deuecta locato
 aggrediens obdormit ibi sompnoque soluta
 se simul et morbo solui gratatur, et artus
 uis regitiua mouet quos uis erratica mouit.
 Unde Deo grates satagens exsoluere, crines
- 775 conponit, faciemque lauat, pannoque tenellum
 inuoluit candente capud; mox surgit et inde
 se reuehit sospes quo currus traxerat egram.
 Pulus et ipse loci fantasmata sepe fugauit,
 morbos curauit, pestes compescuit; unde
- 780 ut paucis exemplificem, dum forte uiator
 carpit iter diuersus idem, quo tempore frigus
 stringit humum uiridesque iubet pallescere glebas,
 circumquaque uidet iam mortificata pruinis
 gramina preteriti decus amisisse decoris.
- 785 Totus enim palleret ager, nisi paruulus agger
 esset ibi, cuius quantum contraria iuxta
 se magis apparent; excellens forma uidetur
 et non gramineus uiror, immo smarandinus esse.
 Ille per hoc, ut erat prudens, auertit eidem

B 66v

764 eques *ed.*: equus *B*
 fantasma *B*

772 artus *B* (*corrected from* arctus)

778 fantasmata *ed.*:

786–87 cuius . . . apparent: “whose contrary qualities appear so much more markedly next to one another.”

- 790 diuinum quid inesse loco, de puluere cuius
 asportans in lintheolo cum tempus adesset
 ut requies choiberet iter nocturna diurnum.
 Predictum deponit honus postique ligatum
 hospitis appendit et sessum uadit ad ignem.
- 795 Fecerat hospes ibi multos accumbere secum
 in cena, largosque focis inpenderat ignes.
 Dumque bibunt et edunt epulones et bibilones,
 seque coartantur ad fercula seque coartant
 ad calices, et plus bibit hic ut plus bibat ille,
- 800 crebrior ascendens scintilla crescit in agmen
 flammigerum celsasque trabes et tecta fatigat.
 Sic neglecta domus inobseruata flagrare
 incipit et subitas emittit in aera flammās.
 Exiliunt poti, non enim compescere possunt
- 805 uictoris momenta rogi. Sic cepta bibendi
 explicit anxietas, uiciator sic uiciate
 subuenit ignis aque, Wlcanus Thetida saluat,
 Thiphoeus Cererem, Flegetuntheoque uapore
 Lethei calices adimuntur uentris Auerno.
- 810 Consumente domum sic igne, stat impetus ingens
 et discit seruare domum. Nam postis acernus
 saluus et indempnis mediis stat in ignibus, a quo
 dictum lintheolum puluisque pependerat, immo
 pendit adhuc, et sistit ibi uehementia flamme,
- 815 ulterius non ausa suum spirare furorem.
 Astantes res mira mouet postemque tot inter
 fragmina stare stupent appendentisque uigori
 pulueris ascribunt quod flamma pepercerit illi
 quem simul Oswaldi consparsum sanguine sacro
- 820 uerba uiatoris perpendicularia monstrant.
 Ad tumultum sancti concurritur undique regis.

811 postis *ed.*: pestis *B*

816 postemque *ed.*: pestemque *B*

805 uictoris . . . rogi: apposition.

808 Thiphoeus: i.e., fire. Cf. Virgil, *Aen.* 9.716.

Cererem: i.e., beer made from grain.

820 perpendicularia: "carefully considered," an unusual use of the word (cf. *perpendere*).

- Neue salutifero careatur puluere tantum
 effoditur terre quantum statura uirilis
 nec superemineat nec habere recondita possit.
- 825 Pulueris effossi cunctis medicamina uirtus
 aut anime confert aud corporis aud utriusque,
 potantisque fide conditus, corporis aufert
 tristicias, anime laruas, utriusque querelas. B 67r
- Interea sanctum regem deuocio fida
 830 et deuota fides Estrilde regna tenentis
 Mercia, quam genuit martiris frater et ultor,
 Bardanaum transferre parat; set inhospita fratrum
 et minime fraterna cohors post funera regem
 improba persequitur quem pertulit ante molesta.
- 835 Ecclesie preclusa foris, regalia sisti
 precipit ossa foris, curru deuecta iugali,
 quem regina, piis nolens desistere ceptis,
 muricis Eoi precioso uelat amictu.
 O quanti perstat meriti deuocio simplex!
- 840 Signa uidere sue fidei solacia cunte
 uirtutes cupiunt; deuocio sola meretur.
 Hac meruit regina ualens, nil femina gestans
 femineum, comitata uiro, comitata puellis,
 et multis sexus utriusque fidelibus, altum
- 845 cernere prodigium. Nam tota nocte columpna
 luminis a carro recte protenditur usque
 in celum cuntosque mouet regionis alumpnos.
 Gentiles eciam solitos nil tale tueri
 quo plus causa latet plus et miracula terrent;
- 850 eiusdemque loci fratres noua signa stupentes
 sancti reliquias Oswaldi mane rogantes
 admittunt, sero quas exclusere rogati.
- Infelix et clare parum, quid, clere, parabas?
 Fallis te fallisue Deum? Quid, ypocrita, quid uis?

827 potantisque *ed.*: potandumque *B* 828 anime *B* (*corrected from anima*) 830 regna *ed.*: regina *B*

822–24 Neue salutifero . . . recondita possit: Henry transposes this observation from its position in Bede *before* the two miracles here preceding.

827 conditus: the shift in gender indicates that one is to construe something as the subject other than “uirtus” of the preceding clause: supply “pulus.”

- 855 Uis simul et dici celestis et esse scelestus!
 Culmina nonne pudet uirtutum te profitentem
 plebea leuitate premi, regique beato
 quem nuper uiuum reuerenter suscipiebas
 defuncto clausisse fores? Non mane locandus
 860 est hospes, set sero fuit, nam tempora tectum
 uespertina magis quam matutina requirunt.
 Dissimulansque dolos pietatis ymagine sanctum
 digno dignaris intempestius honore,
 quodque petebaris tunc donas quando negare
 865 non audes—O quanta tibi nunc premia debet!
 Sero rogans non optinuit quas mane rogatus
 optinet hospicii latebras; admittitur hospes
 propter te, non propter eum. Que gracia tecti?
 Nulla—satis poteras meruisse nilque mereris.
 870 At iam techa decens abluta recondidit ossa
 et lauacri latices sacraria terra recepit.
 Iamque superpositum domino regale iacenti
 murice uexillum rubet, auro pallet, utroque
 fulget, et insignit loca communi proprioque
 875 scemate, communi forma, propriaque figura.
 At supradicto tellus imbuta lauacro
 demones astringit energuminosque relaxat.
 Dum post exequias patrui placidissima dicto
 dicta monasterio regina perhendinat, eius

B 67v

876 lauacro B (*corrected from lauacrocro*)

866–67 Sero rogans . . . latebras: cf. ll. 851–52. The appearance of the *rogans-rogatus* device twice in fifteen lines suggests inadequate editing of a subsequent draft more than deliberate repetition. The apostrophe to the Bardney monks, ll. 853–69, could easily have been inserted as an amplification of an earlier version. It is tempting to try to find a local dispute of the mid-thirteenth century involving Bardney to which to relate this outburst. The quarrel over the deposition in 1243 of Abbot Walter of Benningworth by Robert Grosseteste of Lincoln is one likely choice. See William Page, ed., *The Victoria History of the Counties of England: Lincolnshire*, vol. 2 (London, 1906), 99.

870 techa: for “theca.”

874–75 communi . . . figura: it is not entirely clear what Henry means by this particular foray into school terminology. As he uses the words, “schema” seems to denote a more general concept, of which “forma” and “figura” are more specific subdivisions. In fact, “figura” is often used as a translation of the Greek “schema.” He seems to mean no more than that the gold and purple of the banner both shine “communi forma,” the purple glowing ruddily and the gold gleaming palely “propria figura.”

- 880 abbatissa statum ueniens Ethilda uidere
donat in aduentu multas recipitque salutes;
cumque super multis ageretur mencio, tandem
sermo fit inter eas de lumine quod super artus
in carro positos, longe lateque chorus cans,
885 est ausum se luminibus miscere supernis.
Martiris ad laudem subicit regina quod, eius
ossibus ablutis, lauacro conspersa salubri
terra suis morbis multos releuauerit egros.
Abbatissa fidem regine uocibus addens
890 implet ea loculum tellure, domumque reuersa
nocte uiatoris fuit hospita nescio cuius.
Ille, fatigari solitus de nocte malignis
spiritibus, uitam grauiorem morte gerebat.
Tempora nox placido prebebat ydonea sompno,
895 et dederant homines prime sua membra quieti,
cum miser, antiquo decerptus ab hoste, uiator
abrupit medios subito clamore sopores.
Tales cuius habet gestus insania: dentes
dentibus allidit, modo nares et modo frontem
900 colligit in rugas, nunc alte clamat ut Yno,
nunc penitus silet ut Niobe, sordencia spumis
pectora discerpit, oculos obliquat atroces,
colerico wltum succendit fulmine, linguam
exterius profert, oris distorquet hiatum,
905 datque leues saltus, et se fugit et fugat idem,
uincla nec effrenes patitur choibencia motus,
set furit in cuntos et dente manuque minatur.
Hiis abbatisse per singula queque relatis,
ipsa sacerdotem ducens sociamque puellam
910 sustinet amentem neglecto uisere sompno;
carmina sacra legit exorcismosque sacerdos
set frustra, nec enim faciunt cessare furorem.
Regine tandem memor, abbatissa puelle
precipit ut redeat properanter et afferat egro

B 68r

905 fugit *ed.*: fuit *B* 906 choibencia *sic B*

880 Ethilda: Aethelhild.

900 Yno: cf. Ovid, *Met.* 3.713 ff.

901 Niobe: cf. Ovid, *Met.* 6.303 ff.

- 915 quem nuper loculum tellure repleuerat illa
 quam regina sibi dedit et quam reliquiarum
 martiris Oswaldi lotrix conspaserat unda.
 Hec iubet, illa facit, affertque regressa locellum
 cuius in introitu uisi presencia sacri
- 920 demones exturbat energuminusque quiescit.
 Cumque soporifera soluisset menbra quiete
 "Nunc," inquit, "sanum sapio." Querentibus illis
 qualiter et quando melius cepisset habere,
 "Tunc hostes," inquit, "me deseruere maligni
- 925 tuncque fatigatus requieui quando[que] puella
 contigit hoc limen, capselle baiula sacre—
 sacre, nam, mea me nisi fallat opinio, sacra
 uel capsella fuit uel sacrum quod latet intus."
 Abbatissa refert, "sacra non capsella, set intus
- 930 quod latet est sacrum, terrores terra malignis
 hostibus incuciens, fuluoque ualencior auro.
 Quid? Michi si credas hanc tecum semper habebis
 et nichil antiquo patieris ab hoste molestum."
 Dixit et illius partem telluris egenti
- 935 donat, quam cunctis circumtulit ille diebus,
 et numquam furias ex illo tempore sensit.
 Longo fatigarat puerum uexacio febris,
 cumque suum trepidus semel expectaret agonem
 astans unus ei de fratribus et miseratus
- 940 tam teneros artus tam dura peste grauari
 leuiter est affatus eum, iussitque beati
 regis ut Oswaldi tumultum festinus adiret
 et resideret ibi quoadusque resideret ille
 nescio quis morbus febris. (Actus nescio cuius,
- 945 motus nescio quo, substantia nescio qualis—
 sicut eam medicus uarie considerat: actus
 quem non elicuit complenda potencia, motus
 in sese uehemens, sibimet substantia discors.
 Constituuntque febrem nature quatuor, humor,

916 dedit *B* (corrected from dederat) 940 artus *ed.*: arctus *B*

944–52 Actus . . . ardor: the tenuously relevant digression into medical terminology recalls *VF* 1.91 ff., 12.70 ff., and 13.45 ff., as well as *VH* 1142 ff.

- 950 arriditas, frigus, ardor; set pace ligantur
 litis agente uices: est arridus humor et humens
 arriditas, frigus ardens et frigidus ardor.)
 At paruo longum uexato iam breue mortis
 hoc monstrum monstrauit iter, set fratris adimplens
 955 iussa supradicti, tumulo dum martiris heret,
 martir ei pretendit opem totumque dolorem
 excutit; et toto respirat pectore, febris
 accessu solito subitum paciente recessum.

B 68v

- Martiris eximii non solos fama Britannos
 960 attingit aut gentes uariis quos equora terris
 circumfusa ligant, set uecta uolucris alis
 signa uiri transfert triplices penetrancia Gallos.
 Opis opem sortita Ree cum Iuno patrisans
 inportuna Ioui patricide bella mouere
 965 uellet et infernis obducere ethera fumis,
 depopulabatur populos uastissima clades
 densantis nebule uiciis letalibus auras.
 Nec solum Britones et Hibernos aeris egro
 infecit liuore lues, set quos temulenta
 970 affundit populos gelido Germania Reno.
 Inter quos quidam quem littera multa lituris
 implicuit multis, intusque sciencia partim
 complerat, partim melior perfectio uirtus
 deerat. Ad extremum lue cogeatur eadem,
 975 cumque timeretur mors presens et grauiorem
 incuteret uentura metum, suus astitit illi
 clericus a puero patriis digressus ab Anglis
 cui paciens quid fiet ait, "Iam sencio mortem
 sumque tot implicitus delictis quod michi spes est

952 *frigidus ed.*: frigus B 962 *penetrancia ed.*: pentrancia B

953-54 At paruo . . . iter: "this horror now revealed the quick road of death to the long-tormented boy."

962 triplices . . . Gallos: i.e., the inhabitants of all three parts of the country.

965 obducere ethera: hiatus.

970 Germania: the backsliding cleric of the following miracle is Irish in *HE* 3.13, and presumably the story takes place in Ireland; it is specifically set there in Reginald, chap. 67 (see *Symeonis monachi Opera* 1:337). The transference to Germany has no known intermediate source.

971 lituris: blots not upon his many texts, but upon his character.

- 980 nulla uel exilis uite concessa future,
 morsque futura magis presente timetur, et illi
 dat causam morti quod morte preoccupor ista.
 Iuris enim summi non obsistente rigore,
 si diuina daret michi dispensacio uitam,
- 985 nunc michi mentis erat toto respiscere uisu.
 At quia rex in gente tua celeberrimus olim
 extitit, Oswaldus, pro quo miracula fertur
 multiplicasse Deus uarios pellencia morbos,
 si qua, precor, sit apud te porcio reliquiarum
- 990 eius, eam michi des, nam spes mea pendet ab illo.”
 Ille refert, “Habeo de stipite qui capud eius
 infixum sibi sustinuit. Cupis ergo salutem—
 esto fide constans, alioquin nil operaris,
 nec prosunt plus sacra tibi quam musica surdo.” B 69r
- 995 Sic fatus; mox reliquias a pixide profert,
 prolatas in uase terit, tritasque minutim
 commiscet latici, commixtas exhibet egro,
 exhibitas eger potat, potusque iuuatur,
 sicque uenenifera releuatus peste beati
- 1000 martiris indigenas titulis et laudibus inplet.
 Saxo monasterii puer unus incola, paulo
 ante sacramentis fidei renouatus, eadem
 aeris infecti percussus clade iacebat,
 quem Petrus et Paulus dignati uisere. “Mortem
- 1005 ne timeas,” aiunt, “hodie releuabere morbo
 et sensu morbi, ducibus celestia nobis
 regna petens, facieque boni sine fine frueris.
 Set prius hoc uolumus, ex nostra parte: sacerdos
 te mediante sciat quia de confinibus huius
- 1010 ecclesie nullus nisi tu lue concidet ista.
 Conuocet ergo chorum; causa cessante doloris,
 cesset et ipse dolor, letetur turba, paretur
 mensa, sonent cithare, fundantur uina, colantur
 festa, celebrentur misse sub honore beati
- 1015 Oswaldi, cuius hodie sunt annua, cuius
 inpetrauit eis hoc intercessio donum.”

981–82 morsque futura . . . ista: i.e., the fear of spiritual death further weakens his physical health.

Disparent Petrus et Paulus. Iussibus eger
 paret apostolicis accersitoque reuelat
 uisa sacerdoti, faciens dignissima tandem
 1020 argumenta fide, mestus dum petra salutis
 concludit proprio communem funere uitam.
 Certificat uite predicta quosque sacerdos
 peste laborantes. Vehemens ad sidera plausus
 tollitur; Oswaldi sonat undique nomen, et eius
 1025 festa celebrandi tunc primum mos inoleuit,
 qui perdurat adhuc et perdurabit in eum.

Mira quidem cecini de sacro corpore, mira
 de tumulo, mira de quolibet eius honorem
 contingente. Fides auditis est adhibenda;
 1030 neue fides non sufficiat, miracula restant
 que perpendantur oculis, non auribus, et que
 si dubitas audita potes cognoscere uisa.
 Nam regale capud, regalia brachia miro
 conseruasse modo pietas diuina probetur
 1035 quando pependerunt palis infixia cruentis.

B 69v

Iamque uoluminibus commensurauerat annum
 sol et luna suis, lustrato sol semel orbe,
 luna duodecies, cum necdum brachia palis
 nec capud auelli sceleratus Penda sinebat.
 1040 Oswaldi uero Christus non immemor, eius
 hanc ignominiam conuertit in eius honorem
 cuius honorandis obtemperat artubus anni
 integritas mundumque sequi non audet ut ante
 discordantque sibi qui iugiter esse solebant
 1045 unanimes, annus et mundus, quatuor ille
 temporibus constans, et quatuor hic elementis.

1020 petra *ed.*: petro *B* 1036 commensurauerat *A*: commensurauerant *B* 1042 ho-
 norandis *B*: honorandos *A* artubus *A*: auribus *B* 1043 ut *B*: et *A* 1044 discor-
 dantque sibi *B*: a se discordant *A* 1046 constans *B*: constat *A*

1019–23 faciens . . . laborantes: one wonders whether one or more lines might be missing.
 “Finally producing the most trustworthy arguments when the Rock of Salvation sadly ends
 their common life with his death. The priest assures of their lives all those who labour
 under the pestilence.”

- Tempora: uer, estas, autumpnus, hiemps; elementa:
 aer, ignis, humus, aqua. Per se dicitur ignis A 186r
 feruidus, unda gelans, aer humens, humus arens.
- 1050 Conformare penes has formas quatuor illa
 tempora deberent se quatuor hiis elementis,
 set non est in eis horum complexio: formam
 exuit autumpnus terre, uer aeris, estas
- 1055 ignis, hiemps laticis; minus humet uer, minus aret
 autumpnus, minus alget yemps, minus estuat estas.
 Quid loquor? Omne timet regalia ledere membra
 tempus, aues auide fugiunt, et reptile sordens,
 et nebule tristes, et turbo puluerulentus,
 et grando uehemens, et quicquid obesse decori
- 1060 in casu quocumque potest. Color immanet idem,
 integritas eadem, fluxus quoque sanguinis idem.
 Sic sua defertur sancto reuerencia regi,
 quodque putabatur ad probrum dedere cedit
 ad decus et mire fiunt mala causa bonorum,
- 1065 mors uite, dampnum lucri, contemptus honoris.
 Iamque coronatum regis capud in paradiso
 saluandasque manus operum mercede suorum
 non sic infigi palis, non talia uulgo
 ulterius prebere sinit spectacula Christus.
- 1070 Oswius, ammonitus diuinitus, arma capescit
 et Pendam superat Oswaldi cede superbum,
 cum quo multa simul prosternens milia, campos B 70r
 propositi fratrisque necem feliciter ultus.
 In patriam remeare parat fraternaue secum

1049 feruidus *B*: feruens *A* humens *B*: humidus *A* 1054 laticis *B*: lacitis *A*
 1057 fugiunt *B*: *om.* *A* 1058 puluerulentus *B*: plus uiolentus *A* 1064 fiunt mala
B: mala fiunt *A* 1068 uulgo *B*: Christus *A* 1069 Christus *B*: uulgo *A* 1070 Os-
 wius ... capescit *B*: Osuius Osuualdi successor frater et ultor *A* 1071–1103 et Pen-
 dam ... se reperire *B*: *om.* *A*

1047–48 Tempora ... aqua: the catalogue of seasons and elements, bald as it is, reads almost like a versified and deliberately incorporated gloss. It constitutes a further addition to the cluster of references to the *Metamorphoses* that draws the end of the poem back to the direct echo of Ovid's epic in the opening of the prologue: cf. the treatment of the elements in *Met.* 1.5–31 and the vulgate commentary (Frank T. Coulson, ed., *The "Vulgate" Commentary on Ovid's "Metamorphoses": The Creation Myth and the Story of Orpheus*, Toronto Medieval Latin Texts 20 (Toronto, 1991), 30–53.

- 1075 asportare capud et brachia, set quia dextram
nescit ubi lateat, grauibus mouet astra querelis;
nec procul abscedens rostro uidet illam et atris
unguibus implicitam sedentis in arbore corui.
Fraxinus arbor erat, senio que marcida longo
1080 tabuerat, nec fronde uirens, nec cortice turgens,
nec ramis utcumque decens, set cortice sicco
truncus hyat, ramique senes deformiter errant,
cimaque canicie nimbos expectat inermi.
At postquam ramis insedit inertibus ales,
1085 dextre predo sacre, cepit mollescere sicca
radix, inflari cortex, iuuenescere truncus,
densari frondes, operiri cima, nec ex tunc
decidit ille uiror, set tempore peruiat omni,
non obstante gelu, uel sole, uel imbre, uel aura.
1090 Fama loci nemorumque decus supereminet arbor
hec alias, cedro similis, sanctique uocatur
fraxinus Oswaldi, cuius dormire sub umbra
morbosi plerique solent et surgere sani.
Inde fit ut magno cultu celebretur et eius
1095 nemo sacras inpune potest auellere frondes.
Iamque fatigatus ultra Phebeyus ales
sustentare nequid subrepte pondera dextre;
dextra grauis dimissa cadit; diuina cadentem
non sinit elidi bonitas, fontisque suborti
1100 in medio silicum blandis intercipit undis.
Qui fons, limpidior Narcisi fonte, uenenis
est in tiriacam, languoribus in medicinam.
Fratris ibi dextram gratatus se reperire
Oswius in patriam remeat, fraternaue digno

1075 dextram *ed.*: dextrum *B* 1077 illam *B* (*corrected from* illud) 1078 implici-
tam *ed.*: implicitum *B* sedentis *ed.*: fidentis *B* corui *ed.*: cornu *B* 1079 que *ed.*:
quo *B* 1097 subrepte pondera *B* (*corrected from* subrepte dextera pondera) 1104 Os-
wius . . . remeat *B*: impetit et superat *Pendam A*

1077 illam *et*: hiatus.

1083 cima: "shoot," "sprout" (Latham).

1096 Phebeyus ales: cf. Ovid, *Met.* 2.544–45.

1102 tiriacam: "theriacam" ("antidote").

- 1105 condit honore capud et brachia. Nam capud aptat
in feretro sancti Cuthberti, brachia Bamsborch.
Set monachus quidam, legalis latro, fidelis
sacrilegus, facto pius et sceleratus eodem,
dextram furtiue subreptam transtulit inde
- 1110 in claustrum Burgense Petri; tamen hoc ita factum,
disponente Deo, sapiens aduertere debet:
ante coli uoluit ibi rex sacer, hic modo mauult, *B* 70v, *A* 186v
clerus namque frequens est ille, frequencior iste
in psalmis, celeber locus ille, celebrior iste.
- 1115 Hec est illa manus Oswaldi quam benedixit
presul Aidanus. O quantum uota bonorum
pondus habent! Affectus in hoc, effectus in illo
extitit, affectus breuis, effectusque perhennis,
estque manus similis modo cese quam neque uermis
- 1120 demolitur edax, nec contrahit egra uetustas,
nec maculat uiciosa lues, nec lubricus aer
formis immutat quibus immutatur et ipse.
Nil equidem terit ariditas, nil inficit humor,
nil ibi constringit frigus, nil dissipat estus,
- 1125 set species natiua manet, proprieque saluti
nulla timet nocitura foris, causamque manendi
intus habet, quam nulla potest elidere causa.
Inmarcessibilis uiget eternumque uigebit
uenis et neruis caro procerusque lacertus.
- 1130 Osse medullosa maior quocunque moderno
in latum procera manus extenditur; index,
pollex, et medius recti stant, auricularis
et medicus proni sidunt palmeque coherent.
Sic manet illa manus, leuis cute, liuida uenis,

1113 frequencior *A*: frequentius *B* 1117 illo *B*: illa *A* 1120 uetustas *B*: senectus *A*
1123 Nil *A*: Vil *B* 1126 timet nocitura foris *B*: foris nocitura timet *A* 1128 uiget *B*:
manet *A* 1129 procerusque *B*: procerumque *A* 1131 extenditur *B*: protenditur *A*
1132 stant *B*: sunt *A* 1133 medicus *A*: medius *B* sidunt *A*: fidunt *B* coherent *A*:
coherent *B*

1105–14 Nam capud . . . celebrior iste: on the fortunes and travels of Oswald's relics, see Hugh Farmer, "Oswaldo, re di Northumbria," in *Bibliotheca sanctorum* 9 (Rome, 1967), cols. 1290–95.

1117 hoc . . . illo: viz. "Aidano . . . Oswaldo."

1131–32 index, pollex, et medius: extended in a gesture of blessing.

- 1135 mollis carne; cutis est leuis et integra, uene
liuentes et flexibiles, caro mollis et alba,
candens et mollis candore superficiei,
mollicie solida. Delectat candida uisum
et mollis tactum, quam qui deuocior eger
1140 aut uidet aut tangit uisu tactuue iuuatur,
et quicumque dolor abit in quodcumque leuamen.
O uere martir pro Christi nomine cesus!
O sanctus qui prodigiis signisque choruscat,
conpescit nocumenta, fugat fantasmata, sedat
1145 horrores, sanat languores, subiugat hostes! A 187r
 Quid moror in rebus quarum me turba fatigat?
 Omnis sacra sacri iuuat intercessio regis,
 cuius perducatur nos ad consorcium regum
 rex Christus, cum quo sit Patri Spirituique
1150 Sancto, sicut erat in principio, decus et laus
 et uirtus, et nunc et semper et omne per eum. Amen.

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1135 uene *B*: nerui *A* 1138 solida *A*: solidi *B* delectat *B*: delectant *A* uisum *B*:
uisis *A* 1140 tactuue *B*: tactuque *A* 1141 quodcumque leuamen *B*: quamcun-
que salutem *A* 1142 O uere . . . cesus *B*: om. *A* 1148 regum *B*: Christus *A*
1149 Christus *B*: regum *A*

WILLIAM OF OCKHAM, JUAN DE SEGOVIA, AND HERETICAL PERTINACITY*

Jesse D. Mann

CANON 751 in the 1983 Code of Canon Law of the Roman Catholic Church, defines heresy as follows:

Heresy is the obstinate post-baptismal denial of some truth which must be believed with divine and catholic faith, or it is likewise an obstinate doubt concerning the same.¹

A recent commentary on this canon states,

The obstinate ("pertinax") denial or doubt which defines heresy implies both the passage of time and a process of challenge or dialogue. It means that the denial or doubt is persistent and tenacious, i.e., held after long consideration and serious attempts to wrestle with the truth.²

Emphasis on the element of pertinacity in the canonical definition of heresy or heretic is, however, by no means peculiar to the current Code,³ or even

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The following abbreviations will be used:

CB = *Concilium Basiliense: Studien und Quellen zur Geschichte des Concils von Basel*, ed. Johannes Haller et al., 8 vols. (Basel, 1896; rpt. Nendeln, 1971).

Dial. = *Guillelmus de Occam: Opera plurima*, vol. 1: *Dialogus de imperio et pontificia potestate* (Lyons, 1494; rpt. London, 1962).

MC = *Monumenta conciliorum generalium seculi decimi quinti*, ed. Caesareae Academiae Scientiarum socii delegatii and Historische und Antiquarische Gesellschaft, 4 vols. (Vienna/Basel, 1857–1935).

¹ James A. Coriden et al., eds., *The Code of Canon Law: A Text and Commentary* (New York, 1985), 547. The Latin text of this canon reads "Dicitur haeresis, pertinax, post receptum baptismum, alicuius veritatis fide divina et catholica credendae denegatio, aut de eadem pertinax dubitatio . . ." (*Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus*, compact ed. [Vatican City, 1983], 138).

² Coriden, *Code of Canon Law*, 548.

³ The same emphasis on pertinacity appeared in Canon 1325 §2 of the 1917 Code of Canon Law: "Post receptum baptismum si quis, nomen retinens christianum, pertinaciter

to modern canonical thinking in general. Medieval canon lawyers, as well as medieval theologians, also emphasized the element of pertinacity when discussing heresy and heretics.

We are here concerned with an influential medieval treatment of heretical pertinacity found in ms 81 of the Biblioteca Universitaria de Salamanca.⁴ This manuscript belonged to the noted conciliarist Juan de Segovia,⁵ a former student and professor of theology at the University of Salamanca, who donated his substantial personal library to his *alma mater* in 1457.⁶

aliquam ex veritatibus fide divina et catholica credendis denegat aut de ea dubitat, haereticus [est] . . ." (*Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* [Rome, 1917], 247). An English translation of this canon is available in *Canon Law: A Text and Commentary*, ed. T. Lincoln Bouscaren et al., 4th ed. (Milwaukee, 1963), 745. As Coriden has observed (*Code of Canon Law*, 548), the 1917 Code differs from the current Code in that the former defines *persons* (i.e., heretics) while the latter defines *acts* (i.e., heresy).

⁴ On Salamanca 81, see A. M. Olivar, "Los manuscritos patrísticos y litúrgicos latinos de la Universidad de Salamanca," *Analecta Sacra Tarraconensia* 22 (1949): 77–85; Florencio Marcos Rodríguez, "Los manuscritos pretridentinos hispanos de ciencias sagradas en la Biblioteca Universitaria de Salamanca," in *Repertorio de historia de las ciencias eclesiásticas en España* 2 (Salamanca, 1971), 298–99. It should be noted that Marcos's attempt to correct the arrangement of Nicolaus Eymericus's *Directorium Inquisitorum* in Salamanca 81 is slightly inaccurate. The correct order should be as follows:

Part 1: fols. 134rb–155vb. A note at the bottom of fol. 134rb reads "Istud est prohemium libri huius et prout apparet in multis locis fuit compositus tempore Benedicti XII, qui sedit ab anno domini MCCCXXXIV usque ad XLII" (actually, the *Directorium* was written in 1376).

Part 2: fols. 155vb–174v, 1r–61v.

Part 3: fols. 61va–134ra. The title to this part reads *Secunda pars* in the manuscript (fol. 61v), but the text corresponds to Part 3 of the 1607 Venice edition. Cf. fol. 155vb: "Incipit secunda pars."

⁵ On Juan de Segovia (ca. 1393–1458), see CB 1:20–53; E. Amann, "Jean de Ségovie," in *Dictionnaire de Théologie Catholique* 8.1 (Paris, 1924), cols. 816–19; Uta Fromherz, *Johannes von Segovia als Geschichtsschreiber des Konzils von Basel*, Basler Beiträge zur Geschichtswissenschaft 81 (Basel, 1960); Hermann Diener, "Zur Persönlichkeit des Johannes von Segovia: Ein Beitrag zur Methode der Auswertung päpstlicher Register des späten Mittelalters," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 44 (1964): 289–365; B. Hernández Montes, "Segovia, Juan Alfonso de," in *Diccionario de Historia Eclesiástica de España* 4 (Madrid, 1975), 2401–3; and Antony Black, *Council and Commune: The Conciliar Movement and the Fifteenth-Century Heritage* (London, 1979), 118–93.

⁶ The text of Segovia's library donation is found in ms 211 (fols. 1r–15r) of the Biblioteca Universitaria de Salamanca. On this donation, see Benigno Hernández Montes, *Biblioteca de Juan de Segovia: Edición y comentario de su escritura de donación*, Bibliotheca Theologica Hispania, serie 2 textos, tomo 3 (Madrid, 1984). See also Manuel Torres, "Juan de Segovia y su donación de manuscritos a la Universidad de Salamanca," *Anales de la Asociación española para el progreso de las ciencias* 4 (1939): 947–64; and Julio González, *El maestro Juan de Segovia y su biblioteca* (Madrid, 1944). For the date of Segovia's donation, see Hernández Montes, *Biblioteca*, 113.

Salamanca 81 has attracted some previous scholarly attention, mainly because it contains an important copy of the *Directorium inquisitorum* of Nicolaus Eymericus, O.P.⁷ But, while we shall refer occasionally to Eymericus's handbook for inquisitors, our primary interest here will be the short—hitherto almost entirely overlooked—list of twenty *modi pertinaciae* in Salamanca 81, fols. 283v–284r.

According to Werner Krämer, this list is an excerpt from Eymericus's *Directorium*.⁸ One aim of this article is to show that Krämer's identification is incorrect, that the twenty types of pertinacity outlined in Salamanca 81 stem not from Nicolaus Eymericus but rather from William of Ockham's *Dialogus*. In addition, I shall indicate the use Segovia made of this Ockham excerpt in his efforts to explain and defend the Council of Basel's deposition of Pope Eugenius IV as a heretic in 1439. Finally, I will propose a reassessment of the relationship between Juan de Segovia and the renowned English friar—a relationship which has been all too summarily treated to date.

In the words of the fourteenth-century canonist Guido de Baysio, the Archdeacon, two things must be present in order for heresy to be established, namely an error in reason, which is the beginning of heresy, and pertinacity in will, which is its completion.⁹ While he attributes this view to Thomas Aquinas,¹⁰ the Archdeacon is, in fact, drawing on a long canonical tradition.

⁷ See Werner Krämer, *Konsens und Rezeption: Verfassungsprinzipien der Kirche im Basler Konziliarismus*, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters, neue Folge, 19 (Münster/Westfalen, 1980), 244 n. 87, 246 n. 92; Hernández Montes, *Biblioteca*, 248–52; and Thomas Kaeppli, *Scriptores ordinis praedicatorum medii aevi*, 3 vols. (Rome, 1970–80), 3:158–59, no. 3062. On Eymericus (d. 1399), see F. Merzbacher “Nicolaus Eymericus,” in *Lexikon für Theologie und Kirche* 7, 2d ed. (Freiburg, 1962), col. 985; Laureano Robles, “Escritores dominicos de la Corona de Aragón (s. XIII–XIV),” in *Repertorio de historia de las ciencias eclesiásticas en España* 3 (Salamanca, 1971), 106–23 (with bibliography on 122–23); and Kaeppli, *Scriptores* 3:156–65. Of the *Directorium*, Johann Friedrich von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts von Gregor IX. bis zum Council von Trient*, vol. 2 of *Die Geschichte der Quellen und Literatur des canonischen Rechts von Gratian bis auf die Gegenwart* (Stuttgart, 1877; rpt. Graz, 1956), 400, has written, “Dasselbe galt als klassische Darstellung der Anleitung des Inquisitionswerkes und hat einen enormen Einfluss gehabt, wie sein Ordensbruder Quétif meint, der Kirche einen überaus grossen Nutzen gebracht.” On the early printing history of the *Directorium*, see *ibid.* 2:400 n. 2.

⁸ Krämer, *Konsens und Rezeption*, 246 n. 92.

⁹ Guido de Baysio, *Rosarium* C.24 q.3 c.27: “Unde ad rationem heretici duo concurrunt: unum est error in ratione. quod est heresis initium. alterum pertinacia in voluntate. quod est heresis complementum. tales ergo proprie dicuntur sec. pe. et tho.” (quotation from Ludwig Buisson, *Potestas und Caritas: Die päpstliche Gewalt im Spätmittelalter*, Forschungen zur kirchlichen Rechtsgeschichte und zum Kirchenrecht 2, 2d ed. [Cologne, 1982], 186). On Guido, see von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts von Gregor IX. bis zum Council von Trient* 2:186–90.

¹⁰ This exact statement does not appear in Aquinas's writings, but the Angelic Doctor certainly did have much to say about heretical pertinacity. See, e.g., Thomas Aquinas, *Summa*

Indeed, as Guido himself notes, the great Decretist Huguccio (d. 1210) had maintained that "they cannot and should not condemn him (i.e., the pope), because he freely and humbly confessed his error; for the pope can be condemned for heresy only when pertinacious, otherwise not."¹¹ And prior to Huguccio, the Decretist Rufinus had said, referring to an erring pope, that "he should not forthwith be condemned as a heretic but only if he should pertinaciously remain in his error after a second and third warning."¹² Of course, one might recognize in Rufinus's statement the *correctio fraterna* of Matthew 18:15–18 or Paul's admonition to Titus regarding heretics. But, as is so often the case in Latin theology, one can find the origins of the doctrine we are considering in St. Augustine.¹³

In his letter numbered 43, Augustine, citing Paul's Epistle to Titus 3:10, wrote as follows:

The Apostle Paul said: "After two warnings, avoid the man who is a heretic, for such a man is subverted and sins. Indeed, he is condemned by his own judgment." But those who defend their view, however false or perverse, with no obstinate ill will should never be counted among the heretics, especially when they have not created their own error by bold presumption but have accepted the erroneous position of their parents, who had been led astray and lapsed, and when they seek the truth with diligence and are ready to be corrected when the truth is found.¹⁴

theologiae 1.32.4 (Leonine edition, vol. 4 [Rome, 1888], 357); and see *ST* 2-2.5.3 (Leonine edition, vol. 8 [Rome, 1895], 58): "Et sic manifestum est quod haereticus qui pertinaciter discredet unum articulum non est paratus sequi in omnibus doctrinam Ecclesiae (si enim non pertinaciter, iam non est haereticus, sed solum errans)." See also Buisson, *Potestas und Caritas*, 186. For more on Aquinas and pertinacity, see Albert Lang, "Die Gliederung und die Reichweite des Glaubens nach Thomas von Aquin und den Thomisten: Ein Beitrag zur Klärung der scholastischen Begriffe: fides, haeresis und conclusio theologica," *Divus Thomas*, 3d ser., 20 (1942): esp. 339, 342–45.

¹¹ Guido de Baysio, *Rosarium*, Dist. 21 (Lyons, 1535), fol. 25r: "Adde imo dicit hug. quod nec potuerunt nec debuerunt eum condemnare inde quia sponte et humiliter confessus est errorem suum. tunc enim papa potest condemnari de heresi cum pertinax fuerit alias non."

¹² "Non continuo pro heresi papa damnandus est, sed si secundo et tertio commonitus in errore pertinax fuerit" (quotation from Buisson, *Potestas und Caritas*, 172).

¹³ On the Augustinian origins of this doctrine, see Buisson, *Potestas und Caritas*, 183 ff.

¹⁴ Augustine, Ep. 43.1: "Dixit quidem apostolus Paulus: *Haereticum hominem post unam correptionem devota sciens, quia subversus est eius modi et peccat et est a semet ipso damnatus*. sed qui sententiam suam quamvis falsam atque perversam nulla pertinaci animositate defendunt, praesertim quam non audacia praesumptionis suae pepererunt, sed a seductis atque in errorem lapsis parentibus acceperunt, quaerunt autem cauta sollicitudine veritatem corrigi parati, cum inuenerint, nequaquam sunt inter haereticos deputandi?" (ed. A. Goldbacher, CSEL 34 [Vienna, 1895], 85).

Similarly, in *The City of God*, Augustine stated,

those in the church of Christ who crave some unhealthy and base opinion, and who on being reproved, so that they may relish sound and right opinions, stubbornly resist and are unwilling to reform their pernicious and deadly dogmas, but persist in defending them, become heretics. . . .¹⁵

Both of these texts were included in Gratian's *Decretum* and thereby gained wide dissemination and increased authority.¹⁶ The medieval canonists, such as the Archdeacon, and the medieval theologians, such as Aquinas, were thus echoing Augustine when they made pertinacity in error integral to their definition of heresy.

The influence of this Augustinian view on *pertinacia* is especially evident in the *Dialogus* of William of Ockham.¹⁷ In part 1, book 3, chap. 2 of his *Dialogus*, Ockham's *Magister* (whom one should not necessarily equate with Ockham himself) enumerates five definitions of the word heretic.¹⁸ The fourth and fifth are of special interest in the present context. They read as follows:

¹⁵ Augustine, *De civitate Dei* 18.51: "Qui ergo in ecclesia Christi morbidum aliquid prauumque sapiunt, si correpti, ut sanum rectumque sapiant, resistunt contumaciter suaque pestifera et mortifera dogmata emendare nolunt, sed defensare persistunt, haeretici fiunt . . ." (ed. B. Dombart and A. Kalb, CCL 48 [Turnhout, 1955], 649); English translation in Augustine, *The City of God Against the Pagans*, vol. 6, trans. W. C. Greene, Loeb Classical Library 416 (Cambridge, Mass., 1969), 67.

¹⁶ See *Decretum Magistri Gratiani* C.24 q.3 c.29 and c. 31 (ed. Aemilius Friedberg, vol. 1 of *Corpus iuris canonici*, 2 vols., 2d ed. [Leipzig, 1879; rpt. Graz, 1955], col. 998).

¹⁷ The literature on Ockham (ca. 1285–1347) and his *Dialogus* is extensive. The following works are especially useful: A. Van Leeuwen, "L'Église, règle de foi, dans les écrits de Guillaume d'Ockham," *Ephemerides Theologicae Lovanienses* 11 (1934): 249–88; Brian Tierney, "Ockham, the Conciliar Theory, and the Canonists," *Journal of the History of Ideas* 15 (1954): 40–70; Wilhelm Kölmel, *Wilhelm Ockham und seine kirchenpolitischen Schriften* (Essen, 1962); Ernest A. Moody, "William of Ockham," in *The Encyclopedia of Philosophy* 8 (New York, 1967; rpt. 1972), 306–17; Jürgen Miethke, *Ockhams Weg zur Sozialphilosophie* (Berlin, 1969); John J. Ryan, *The Nature, Structure and Function of the Church in William of Ockham*, American Academy of Religion, Studies in Religion 16 (Missoula, Montana, 1979); and William J. Courtenay, *Covenant and Causality in Medieval Thought*, Variorum Reprints (London, 1984), articles xi–xiii. For more on Ockham's influence, see Jürgen Miethke, "Marsilius und Ockham: Publikum und Leser ihrer politischen Schriften im späteren Mittelalter," *Medioevo: Rivista di storia della filosofia medievale* 6 (1980): 543–67. On the connection between Ockham and later conciliar theorists such as Segovia, see Giuseppe Alberigo, "Il movimento conciliare (XIV–XV sec.) nella ricerca storica recente," *Studi Medievali*, 3d ser., 19 (1978): 922–25; and Johannes Helmuth, *Das Basler Konzil, 1431–1449: Forschungsstand und Probleme*, Kölner historische Abhandlungen 32 (Cologne, 1987), 413–17.

¹⁸ *Dial.* 1.3.2 (fol. XVIIIr). In the citations of Ockham's *Dialogus*, the part, book, and chapter numbers are followed by the folio numbers of the Lyons edition.

Fourth, a heretic is any Christian, or person who considers himself a Christian, who pertinaciously errs against the truth. . . . Fifth, a heretic is anyone who pertinaciously adheres to an error he knows to be heretical.¹⁹

In the next chapter, the Master gives yet another, supposedly more common, definition of heretic in his usual elusive fashion:

Some people describe a heretic as a baptized person, or one who considers himself baptized, who pertinaciously doubts or errs against the catholic truth.²⁰

When the Disciple objects that the use of the term *pertinaciter* is superfluous to this definition,²¹ the Master responds with a detailed analysis of the two aforementioned citations from Augustine.²² The point is that *pertinacia* is indeed essential not only to the definition of heretic but also, and relatedly, to showing someone to be a heretic.

Thus we come to the heart of the matter. At the outset of part 1, book 4 of the *Dialogus*, the Disciple asks for the definition of *pertinacia* itself and how one can be convicted thereof. As part of his answer, the Master says that "he is pertinacious who persists in that which, of necessity, he should renounce."²³ These are the very words with which the excerpt in Salamanca 81 begins.

Moreover, this excerpt follows immediately upon another series of excerpts from Ockham's *Dialogus*.²⁴ The last of these even mentions Ockham by name and cites the second book of an unspecified work which

¹⁹ *Dial.* 1.3.2 (fol. XVIII^r): "Quarto modo dicitur hereticus omnis christianus vel qui putat aut qui putaverit se christianum errans pertinaciter contra veritatem. . . . Quinto modo dicitur hereticus omnis pertinaciter adherens errori qui sapit hereticam pravitatem."

²⁰ *Dial.* 1.3.3 (fol. XVIII^v): "Quidam describunt cum dicentes: hereticus est vere baptizatus vel pro baptizato se gerens pertinaciter dubitans vel errans contra catholicam veritatem." On Ockham's "elusive" method in the *Dialogus*, see Kölmel, *Wilhelm Ockham*, 66–68; and Miethke, *Ockhams Weg*, 434 ff., 439 ff., esp. 435 and n. 23.

²¹ *Dial.* 1.3.5 (fol. XIX^r): "Videtur enim quod superflue sit positum pertinaciter. . . ."

²² *Dial.* 1.3.6–7 (fols. XIX^v–XX^v).

²³ *Dial.* 1.4.1 (fol. XXII^v): ". . . pertinax est ille qui persistit in aliquo quod de necessitate debet dimittere."

²⁴ See Salamanca 81, fols. 282^v–283^v. These same excerpts appear in Salamanca 246, fols. 73^v–74^r (in Segovia's own hand), and have been edited in Krämer, *Konsens und Rezeption*, 430–33. They stem largely from *Dial.* 2.1.10 (fols. CLXXIV ff.). The definition of heresy (Krämer, *Konsens und Rezeption*, 433, no. 9, lines 4–5) comes from *Dial.* 1.2.6 (fol. VIII^v), as Krämer himself notes in his *apparatus fontium*. On these excerpts, see Hilary S. Offler, "The 'Influence' of Ockham's Political Thinking: The First Century," in *Die Gegenwart Ockhams*, ed. Wilhelm Vossenkuhl and Rolf Schönberger (Weinheim, 1990), 353. As Offler notes, "Here again John [of Segovia] has mingled literal transcription with paraphrase and abbreviation, adding little of his own. These excerpts are either pure or very slightly diluted Ockham throughout. . . ." I am grateful to Jürgen Miethke for bringing Offler's article to my attention.

is, in fact, the *Dialogus*.²⁵ Since Krämer incorrectly identified the source of these excerpts as Eymericus rather than Ockham,²⁶ it is not surprising that he also wrongly identified our excerpt. However, his assertion that the twenty *modi pertinaciae* derive from Eymericus's *Directorium*, part 1, section 4, chaps. 1 ff. is harder to understand.²⁷ Given the arrangement of the 1607 Venice edition (the edition Krämer used), part 1, section 4, chap. 1 could only refer to a part of the *Directorium* in which heretical pertinacity is not discussed.²⁸ Indeed, Eymericus has very little to say about pertinacity and the little he says appears elsewhere in his handbook.²⁹

That the twenty *modi pertinaciae* in Salamanca 81 do not come from Eymericus should now be clear; that they come from Ockham remains to be seen. We have already noted the similarity between the initial chapter of the *Dialogus*, part 1, book 4, and the opening lines of the excerpt in Salamanca 81. It should be added that at both its beginning and its end the excerpt explicitly cites the fourth book or chapter of a work.³⁰ The final citation reads "in the fourth *per totum*," suggesting that the entire excerpt derives from this unidentified fourth book or chapter.³¹ Hence, we must look more carefully at Ockham's *Dialogus*, part 1, book 4, for this is the true source of the types of pertinacity listed in Segovia's manuscript.³²

²⁵ Salamanca 81, fol. 283v: "... Och. 2^o li. c. <6>." See Krämer, *Konsens und Rezeption*, 433, no. 9, line 5.

²⁶ Krämer, *Konsens und Rezeption*, 430. On this misidentification, see Offler, "The 'Influence' of Ockham's Political Thinking," 353.

²⁷ Ibid., 246 n. 92: "Zur Feststellung der Häresie und der Verstocktheit folgte Segovia ausführlich Nikolaus Heymerici, *Directorium inquisitorium*, Venedig 1607; auch Salamanca UB, Cod. 81 fol. 1ra–177ra und seinen daraus erstellten Auszügen; vgl. Excerptum V (hrsg. im Anhang S. 430–433) und das Exzerpt *Viginti modi pertinaciae*, Salamanca UB, Cod. 81 fol. 283v–284r, das ein Auszug aus dem *Directorium inquisitorium* pars 1 IV 1ff. darstellt." It is noteworthy that Krämer omits the page numbers of the 1607 edition which should correspond to the section he cites here. See also *ibid.*, 231 n. 59 (where the reference to "Anm. 91" should read "Anm. 92").

²⁸ Nicolaus Eymericus, *Directorium inquisitorium*, pars 1, quaestio 4 (ed. Venice, 1607, p. 61). This *quaestio* is entitled *De noticia articulorum fidei fidelibus necessaria cum minoribus, tum maioribus*.

²⁹ See Eymericus, *Directorium inquisitorium*, pars 1, quaestio 7 (p. 62D–E). Eymericus's brief treatment of *pertinacia* here stems explicitly from Thomas Aquinas, *ST* 1.32.4.

³⁰ Salamanca 81, fol. 283v ("... communiter omnes tenent IIII^o"); fol. 284r ("IIII^o per totum").

³¹ Salamanca 81, fol. 284r.

³² On the importance of this section to Ockham's work, see Arthur Stephen McGrade, *The Political Thought of William of Ockham: Personal and Institutional Principles* (Cambridge, 1974), 49: "So far as the argument of I *Dialogus* is concerned, however, we can make considerable headway if we read the highly dramatic later books in the light of an earlier portion of the work whose significance is often overlooked, the discussion of pertinacity

In chapter 5 of book 4 the Disciple says, "First of all, I want to know whether it can be established in only one way or in several ways that someone errs pertinaciously against the faith."³³ The Master responds that "many ways are adduced in which Catholics can have a strong suspicion that someone is pertinaciously in error."³⁴ Of course, the Disciple then invites the Master to explain these "many ways."³⁵ What follows for the duration of Book 4 is a discussion of nineteen types of pertinacity which correspond, usually verbatim, to the twenty types listed in Salamanca 81.³⁶

To take but one example, let us consider the *primus modus*. In Salamanca 81 the first type of pertinacity is present "when one swears either in word or deed that one does not believe firmly that the Christian faith is true and wholesome, but rather that said faith is false or dubious; or when one converts to another religion, unless, in either case, one acts out of fear of death as did Pope Marcellinus."³⁷ In *Dialogus*, part 1, book 4, chap. 5, Ockham states that the first type of pertinacity is present when one shows either in word or deed that one does not believe that the Christian faith is true and wholesome, such as if one were to say that that faith were false or dubious, or if one were to convert to another religion. One case is excepted, namely when one denies the faith or commits a heretical act out of fear for one's life. Pope Marcellinus, adds the Master, was excused on these grounds.³⁸

The eighteen cases that follow are no less revealing than this first one. But the question does arise: why twenty *modi* when the alleged source only contains nineteen? This apparent problem is easily resolved. In Segovia's list two types of pertinacity are distinguished where Ockham found only one. Thus Ockham's type 18 becomes types 18 and 19 in Salamanca 81.

in Book 4." In what follows, I assume, but cannot absolutely prove, that Segovia himself was responsible for the presence of this list in Salamanca 81. That it, I believe the twenty *modi* were excerpted in his arrangement and at his request directly from Ockham's work. The excerpt in Salamanca 81 may even be a copy of Segovia's own (lost) autograph; it is at any rate not in his own hand. As is discussed below, Segovia had both the means and the motive for excerpting this section of Ockham's bulky *Dialogus*.

³³ *Dial.* 1.4.5 (fol. XXIIIv): "In primis autem cupio scire an uno modo tantum vel pluribus possit constare errantem aliquem contra fidem esse pertinacem."

³⁴ *Ibid.*: "Plures modi ponuntur, quibus possunt catholici presumptionem accipere violentam de aliquo, quod est pertinax in errore."

³⁵ *Ibid.*: "Primo tractemus unum modum postea alium modum."

³⁶ *Dial.* 1.4.5–31 (fols. XXIIIv–XXXIIv). See also Van Leeuwen, "L'Église, règle de foi," 252 n. 9.

³⁷ For the Latin text, see Appendix A, which presents all of Segovia's and Ockham's types of pertinacity in parallel columns.

³⁸ The case of Pope Marcellinus, who was said to have committed idolatry, was recorded in Gratian's *Decretum* D.21 c.7 (ed. Friedberg, cols. 71–72).

Several other slight variations could be noted, but the point would remain unchanged: the twenty *modi pertinaciae* presented, apparently by Segovia, in Salamanca 81 were excerpted from part 1, book 4 of William of Ockham's *Dialogus*.

It may, of course, be asked how one can know that Segovia got these *modi* directly from Ockham rather than, say, via an intermediary. After all, other influential authors, such as Jean Gerson, wrote works on pertinacity which draw upon Ockham's *Dialogus*.³⁹ In addition to the almost exact correspondence between Segovia's list and Ockham's, in itself perhaps conclusive, the answer is this: we know from Segovia's library donation that he owned a copy of the *Dialogus* and that he had an alphabetically arranged table of its contents.⁴⁰ Moreover, as I have shown in greater detail elsewhere, Juan de Segovia knew and used Ockham's work firsthand already in his days as a professor at the University of Salamanca in the 1420s.⁴¹ The presence of several other longer and frequently *ad litteram* excerpts from the *Dialogus* in Segovia's library supports this point.⁴²

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* *

The Council of Basel (1431–49) is perhaps best remembered for producing the last antipope in history—Pope Felix v. Before he could be elected, of course, it was necessary to depose the reigning pope, Eugenius iv. This the Council did on 25 June 1439, charging Eugenius with heresy among numerous other crimes.⁴³ Juan de Segovia was instrumental in the council's

³⁹ See Jean Gerson, *Considerationes XII de pertinacia*, in Jean Gerson, *Oeuvres complètes*, ed. Palémon Glorieux, 10 vols. (Paris, 1960–73), 6:165–67, esp. 167: “Denique latius ista declarat Ockham, quarta parte libri primi Dialogorum.”

⁴⁰ Hernández Montes, *Biblioteca*, 97, 220–21. See also Benigno Hernández Montes, “Obras de Juan de Segovia,” in *Repertorio de historia de la ciencias eclesiásticas en España* 6 (Salamanca, 1977), 344. Hernández considers the *tabula* a work from Segovia's own hand; see *Biblioteca*, 221.

⁴¹ See Jesse D. Mann, “Ockham Redivivus or Ockham Confutator?: Juan de Segovia's *Repetitio de superioritate* Reconsidered,” *Annuaire Historiae Conciliorum* 24 (1992): 186–208.

⁴² On these excerpts, see above n. 24; and Hernández Montes, “Obras de Juan de Segovia,” p. 290, nos. 28–29, and p. 327. See also *Biblioteca*, 220, where Hernández suggests that these excerpts date to Segovia's teaching days; and Offler, “The ‘Influence’ of Ockham's Political Thinking,” 351–53. I agree with Offler's statement (353): “These excerpts, then, drawn upon by John when writing his later works, were made by him from Ockham” (my emphasis).

⁴³ For the sentence of deposition, see MC 3:325–27; Joannes Dominicus Mansi, *Sacrorum conciliorum nova et amplissima collectio*, 31 vols. (Florence/Venice, 1759–98), 29:179–81; and CB 6:527–29. An English translation of the sentence is available in Joachim W. Stieber, *Pope Eugenius IV, the Council of Basel and the Secular and Ecclesiastical Authorities in the Empire*, Studies in the History of Christian Thought 13 (Leiden, 1978), 55–56. On the

proceedings against the pope and in the council's attempt to convince the reluctant secular rulers to adhere to its sentence of deposition. Both before and after the council's decision, Segovia drew upon the Ockham excerpt we are considering here in order to demonstrate exactly how the crucial element of pertinacity was present in Eugenius IV such that he could be judged a heretic.

To wit, in his account of the council's debates preceding the pope's deposition, Segovia recounts a speech he gave in late April 1439 in which he expounded twenty types of pertinacity, many of which, he said, were present in the person of the pope (meaning Eugenius IV).⁴⁴ Quite likely these twenty were the very same ones found in Salamanca 81.

The Ockham excerpt appears again and importantly in a tract dating from August 1439. Segovia's *Explanatio de tribus veritatibus fidei*⁴⁵ is primarily a defense of the Council of Basel's decree *Sicut una* (16 May 1439), which declared the following statements to be three Truths of the Catholic faith: (1) that a general council has authority over all persons, including the pope; (2) that no pope can dissolve, translate, or prorogue a general council against its will; and (3) that anyone who pertinaciously opposes the aforementioned Truths should be considered a heretic.⁴⁶ The presence of the term *perinatiter* in the third Truth helps to explain Segovia's use of the Ockham excerpt in this tract. In addition, the *Explanatio* also treats the council's five Conclusions against Eugenius IV.⁴⁷ The fifth of these

deposition itself, see Arnulf Vagedes, *Das Konzil über dem Papst? Die Stellungnahmen des Nikolaus von Kues und des Panormitanus zum Streit zwischen dem Konzil von Basel und Eugen IV.*, 2 vols. Paderborner Theologische Studien 11 (Paderborn, 1981), 1:398–140; and Helmrath, *Das Basler Konzil*, 472–77 (with literature cited there).

⁴⁴ MC 3:264: "Postremo autem exponebat [i.e., Juan de Segovia] de XX modis pertinacie, quorum multi concurrent in persona pape. . . ."

⁴⁵ I have edited and analyzed the *Explanatio* in my doctoral dissertation, "The Historian and the Truths: Juan de Segovia's *Explanatio de tribus veritatibus fidei*" (Ph.D. dissertation, University of Chicago, 1993).

⁴⁶ The relevant passage in *Sicut una* reads "Et licet has esse veritates fidei katholice satis constet ex pluribus declarationibus precedentibus tam in prefato Constanciensi concilio quam in hoc Basiliensi factis, ad maiorem tamen soliditatem et firmitatem omnium catholicorum in unanimitate professione veritatum ipsarum, hec sancta synodus diffinit et declarat, prout sequitur: Veritas de potestate concilii generalis universalem ecclesiam representantis supra papam et alterum quemlibet declarata per Constanciensem et hoc Basiliensem generalia concilia est veritas fidei katholice. Veritas hec, quod papa concilium generale universalem ecclesiam representans actu legitime congregatum super declaratis in prefata veritate aut aliquo eorum sine eius consensu nullatenus auctoritative potest dissolvere aut ad aliud tempus prorogare aut de loco ad locum transferre, est veritas fidei katholice. Veritatibus duabus predictis pertinaciter repugnans est censendus hereticus" (MC 3:278). See also Mansi, *Sacrorum conciliorum nova et amplissima collectio* 29:178–79; and CB 6:398.14–399.19.

⁴⁷ The text of the five Conclusions as decreed by the Council of Basel on 23 June 1439 reads as follows: "Veritatibus duabus predictis repugnat prima huius sacri concilii Basiliensis

Conclusions mentioned the pope's pertinacity,⁴⁸ and it is in his discussion of this Conclusion that Segovia once more employs Ockham's twenty *modi*.⁴⁹ In this discussion, however, not all twenty but merely twelve types of pertinacity are described and applied to the pope. Segovia, perhaps not surprisingly, mentions neither Ockham nor his *Dialogus* by name, but his reliance on the Friar's work, or rather his excerpt from the Friar's work, is quite clear. Indeed, the correspondence remains remarkably close and is, at times, literal. For example,⁵⁰ in the *Explanatio*, Segovia's third type of pertinacity refers to the case in which an "educated and intelligent Christian denies an assertion to be true which he knows to be held in the church as a catholic truth and which is universally taught and preached as such." Ockham's fourth instance, on the other hand, involves the case of a rational and intelligent Christian who denies any catholic assertion which has been published as catholic among all the faithful and has been publicly preached as such by the preachers of God's word.

It is noteworthy that in the *Explanatio* Segovia offers more than the bare-bones outline of Ockham's types of pertinacity found in the excerpt in his library. Rather he permits himself to speculate on the modes of *pertinacia* he enumerates, and his speculation focuses on the infallibility of the Church, and thus of general councils, in a manner somewhat contrary to Ockham's thought.⁵¹ It should therefore be emphasized that Juan de

pretensa dissolutio seu translacio per Eugenium papam modernum de plenitudine potestatis apostolice, ut asseritur, attemptata. Veritatibus duabus predictis repugnantes errores Eugenius papa modernus post primam pretensam dissolucionem sive translacionem synodali monitus ac iussus sententia et in forma sibi oblata iudicialiter revocavit. Veritatibus predictis repugnans sacri huius concilii Basiliensis pretensa dissolutio seu translacio per Eugenium modernum citatum super facto reformationis attemptata de plenitudine potestatis, ut asserit, casu, quo contra ipsum aut aliquem de suis presidentibus procederetur, inexcusabilem in fide continet errorem. Veritatibus duabus predictis repugnans huius sacri concilii Basiliensis iterata dissolutio seu translacio pretensa ipsum modernum Eugenium dissolventem seu transferentem in revocatum errorem probat iterum esse prolapsum. Veritatibus duabus predictis repugnans iterata dissolutio seu translacio necnon ipsius Eugenii post eius monicionem synodalem, [ut] ipsam dissolucionem seu translacionem pretensam, ut premititur, factam revocaret, declarata contumacia ac in eadem longa permanencia apertaue sua rebellio et alterius congregacionis in vim dicte pretense translacionis sub nomine concilii generalis erectio, hoc sacro Basiliensi durante concilio, sunt de eiusdem Eugenii pertinacia evidencia testimonia, que clamore accusatoris non indigent" (MC 3:321). See also CB 6:370 (20 April 1439, but identical text). On the genesis of these Conclusions, see Mann, "The Historian and the Truths," chap. 3.

⁴⁸ "... sunt de eiusdem Eugenii pertinacia evidencia testimonia . . ." (full text in preceding note).

⁴⁹ Munich, Bayrische Staatsbibliothek Clm 6606, fols. 278r ff. See the edition in Mann, "The Historian and the Truths," Appendix A. §§273 ff.

⁵⁰ The Latin text of this example is found in Appendix B below.

⁵¹ As is now well known, William of Ockham denied to general councils the infallibility he attributed to the Church. See *Dial.* 1.5.25–26 (fol. XLVIr–v). See also McGrade, *Political*

Segovia used Ockham's description of pertinacity for purposes of which Ockham himself would presumably not have approved.

Almost two years after Basel's deposition of Eugenius iv, the pope remained in office and the secular authorities in Germany had not altered their policy of neutrality in the conflict between council and pontiff. It is thus somewhat difficult to understand what Juan de Segovia hoped to gain by rehearsing the very same arguments regarding Eugenius's pertinacity before the Reichstag at Mainz in late March of 1441.⁵² But that is apparently what Segovia did in a speech characterized by Antony Black as one of its author's "most original" works.⁵³ Drawing explicitly on his *Explanatio*, and thus indirectly on our Ockham excerpt, Segovia again recited the twelve types of pertinacity and applied these to the pope.⁵⁴ There is no difference between the types of pertinacity discussed in 1439 and those discussed in the written version of the 1441 speech. While we might then accuse Segovia of lack of originality, or at least lack of imagination, we must acknowledge his pertinacious conviction that Ockham's *modi pertinaciae* were appropriate to the case of Eugenius iv.

A final instance of this conviction, and the last clear use of Ockham on pertinacity in Segovia's writings, appears in his gloss on the papal bull *Etsi non dubitemus*.⁵⁵ In this bull, dated 20 April 1441, Eugenius iv had

Thought, 73; Ryan, *Nature, Structure and Function*, 11–13, and esp. n. 34 (on p. 23); and Hermann Josef Sieben, *Traktate und Theorien zum Konzil: Vom Beginn des großen Schismas bis zum Vorabend der Reformation (1378–1521)*, Frankfurter Theologische Studien 30 (Frankfurt, 1983), 198, where Ockham is called "[der erste] Bestreiter der Unfehlbarkeit der Konzilien." In contrast, throughout his *Explanatio*, and elsewhere, Juan de Segovia so identified the council with the Church that he simply ascribed the Church's attributes, including its infallibility, to the council. Indeed, in the *Explanatio*, conciliar infallibility was a central point in Segovia's argument against Eugenius iv. On the importance of conciliar infallibility to the theologians at the Council of Basel, see Helmuth, *Das Basler Konzil*, 420–25.

⁵² The text of this speech is found in MC 3:568–686 and *Deutsche Reichstagsakten*, ältere Reihe, 15 (Göttingen, 1957), 649–759. Importantly, the text usually referred to as the 1441 speech does not date from 1441 at all. It is a later redaction of Segovia's original oral address delivered at Mainz on 28 March 1441. On this point, see Hernández Montes, "Obras de Juan de Segovia," 297; and Mann, "The Historian and the Truths," chap. 6.

⁵³ Black, *Council and Commune*, 122.

⁵⁴ *Deutsche Reichstagsakten*, ältere Reihe, 15:749.39–758.33.

⁵⁵ MC 3:1152–95. Salamanca, Biblioteca Universitaria 188, fols. 53r72v, contains a copy of this text which is superior to the "edition" in MC 3. On this gloss, see Hernández Montes, "Obras de Juan de Segovia," p. 298, no. 37; Krämer, *Konsens und Rezeption*, 247 and n. 96; and Remigius Bäumer, "Die Stellungnahme Eugens IV. zum Konstanzer Superioritätsdekret in der Bulle 'Etsi non dubitemus,'" in *Das Konzil von Konstanz: Beiträge zu seiner Geschichte und Theologie*, ed. August Franzen and Wolfgang Müller (Freiburg, 1964), esp. 351–54. For the text of *Etsi*, see G. Hofmann, ed., *Epistolae Pontificiae ad Concilium Florentinum Spectantes*, Concilium Florentinum, Documenta et Scriptores, series A, vol. 1,

produced his most explicit rejection of conciliarism.⁵⁶ Segovia's point-by-point rebuttal, originally composed more than a year after the bull's publication, concludes with a treatment of the pope's pertinacity:⁵⁷

It must be noted that, although the pope, at the time of his first dissolution of the council, stated many damnable errors which he later revoked at the Church's request in his adhesion to the council, he is now repeating those same errors and adding still more grievous ones to them. Indeed in those errors he is found to be manifestly pertinacious not just in one way but in twelve ways. . . .⁵⁸

The twelve types of pertinacity which follow are similar, but not identical, to the twelve Segovia discussed in 1439 and 1441. In this response, however, he includes four additional types:

Anyone who reads the pope's letters and who considers the demerits of his actions can more plainly see that these twelve forms of pertinacity are present in his person. But whether four additional and more serious forms of pertinacity are in him . . . can be determined from those things which he taught in this little book.⁵⁹

Here, as twice previously, Segovia suggests that the types of pertinacity can be ranked according to their seriousness or gravity. So far as I know,

pt. 3 (Rome, 1946), 24–35, no. 248. It should be noted that Hofmann incorrectly dates the bull to 21 April 1441.

⁵⁶ See Baumer, "Die Stellungnahme," 337–56. For Segovia, *Etsi* provided evidence of the pope's growing pertinacity: "*Etsi non dubitemus* manifestat auctoris excrescentem semper in maius pertinaciam . . ." (MC 3:1153).

⁵⁷ See MC 3:1194–95. Segovia's gloss was originally composed for the Diet of Frankfurt in late July or early August 1442; see *Deutsche Reichstagsakten*, ältere Reihe, 16:245–46, 598. See also Baumer, "Die Stellungnahme," 351. Whether the text contained in MC 3 (composed after 1449) is identical to the original text is an open question.

⁵⁸ MC 3:1194.4–8: "... et quod plurimum aduertendum est, cum multos dampnatos errores dixerit tempore prime dissolutionis, quos per suam adhesionem in facie ecclesie postmodum reuocauit, nunc eosdem repetit grauiiores illis semper adaugens, et in ipsis erroribus non solum vno, sed duodecim modis pertinax esse manifeste comprehenditur."

⁵⁹ MC 3:1194.25–36: "Hos XII modos pertinacie concurrere in persona eius plenius intelligere potest, qui vidit dictarum et aliarum suarum continenciam litterarum ac considerat suarum demerita accionum. Utrum autem in eo concurrant alii quatuor modi pertinacie grauiiores—quod videlicet asserat ecclesiam errasse vel errare posse in hiis, que pertinent ad fidem et salutem animarum; dicat eciam ecclesiam aut fidem catholicam existere dumtaxat penes se suosque tenentes errores erigendoque apud Ferrariam et Florenciam conuenticula scismaticorum contraueniat illi articulo, qui est fundamentale retinaculum et vinculum omnium veritatum catholice fidei, videlicet 'unam sanctam catholicam et apostolicam ecclesiam,' asserat denique fidem christianam non esse stabilem et firmam, sed dubiam et incertam—considerari potest ex hiis, que in isto dogmatisat libello. . . ." It should be noted that, compared to the twelve *modi* outlined in the *Explanatio* and the 1441 speech, the four types listed here are not exactly "additional."

Ockham never explicitly ranked his types of pertinacity in this way. But one could say that he enumerated them in order of importance, and it is apparently in this order that Segovia ranks them both here and in his earlier writings.

From 1439 to 1442, Juan de Segovia drew upon the excerpt from Ockham's *Dialogus* in his library in no less than three of his major works. Clearly he had not had this excerpt copied for it to sit idly on his shelf. On the contrary, it was to serve as a ready weapon in his battle with a pope whom he considered a pertinacious heretic. That this excerpt should derive from a work in which Ockham himself was, at least in part, attacking a pope, namely John xxii, whom he considered a pertinacious heretic is thus no accident at all.⁶⁰

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* *

If Segovia's only debt to William of Ockham were the twenty types of pertinacity we have discussed here, there would be little reason to call for a new examination of the ties between the theologian from Salamanca and the Franciscan from England. After all, the noted papalist Juan de Torquemada included Ockham's *modi pertinaciae* in his monumental *Summa de ecclesia*, and, perhaps regrettably, there have been no studies of the connection between Ockham and Torquemada.⁶¹ But Segovia's debt to Ockham extends far beyond the matter of heretical pertinacity.

To limit ourselves to the *Explanatio*, the text I know best, we find that Segovia borrowed more than the treatment of pertinacity from Ockham's *Dialogus*.⁶² The first *avisamentum* of this tract, which contains three *avisamenta* in all, is a mosaic of Ockham's arguments lifted, often verbatim, from various books of part 1 of the *Dialogus*. Here, for example, Segovia repeats the view, found explicitly in *Dialogus*, part 1, book 7, chap. 70, that a heretical pope would be more detrimental to the faith than invasion by Saracens or other infidels.⁶³

⁶⁰ I do not mean to suggest that Ockham's *Dialogus* was simply an attack on John xxii, but it certainly was written in the context of his conflict with the pope, as part 2 of the *Dialogus* amply attests.

⁶¹ Juan de Torquemada. *Summa de ecclesia*, book 4, part 2, chap. 16 (Salamanca, 1560), pp. 578–80. Torquemada's use of Ockham on pertinacity indicates that, at least with regard to this theme, papalists as well as conciliarists borrowed freely from the *Venerabilis Inceptor*.

⁶² For a more detailed discussion of the relationship between Segovia's *Explanatio* and Ockham's *Dialogus*, see Mann, "The Historian and the Truths," chap. 4.

⁶³ *Dial.* 1.7.70 (fol. CLXIIr): "Alia est opinio quod de futuris non reputat divinandum; tenentes enim opinionem illam dubitant quod si unquam erit papa hereticus gravissimo periculo catholici exponentur, ita quod timent quod maius instabit periculum christianis si

Of course, this is not to say that Segovia always endorsed Ockham's views. As I have shown elsewhere, Segovia shared neither Ockham's "remnant ecclesiology" nor his doubts about the infallibility of general councils.⁶⁴ He did, however, feel free to appropriate Ockham's arguments when they advanced his cause. Segovia's use of the *Venerabilis Inceptor's* types of pertinacity is an illustrative case in point.

Since we now know that Segovia used Ockham extensively and, at times, approvingly (Krämer's argument to the contrary notwithstanding⁶⁵), it remains to examine more precisely which of Ockham's views Segovia adopted, which views he ignored, and which he rejected. Only after such a careful examination shall we have an accurate picture of the relationship between William of Ockham and Juan de Segovia.

APPENDIX A

Salamanca 81, fols. 283v-284r⁶⁶William of Ockham, *Dialogus*, part 1, chapter 4 (Lyons edition)

Pertinax dicitur qui tenet et persistit in eo quod de necessitate debet dimittere; et scienter pertinax vel hereticus, non referendo <ad> pertinaciam errantis sed erroris, quia scit assercionem suam esse contrariam fidei, quam communiter omnes tenent, III^o.

Pertinax a quibusdam diffinitur sic: pertinax est qui persistit in eo quod debet dimittere. . . . In predicta autem diffinitione accipi debet secundum quod importat debitum necessitatis, ut iste sit sensus: pertinax est ille qui persistit in aliquo quod de necessitate debet dimittere. . . .

aliquis papa diu victurus est hereticus quam si tota christianitas a sarracenis periculum immineret, quam si tota christianitas a sarracenis vel aliis infidelibus caperetur."

Explanatio (Munich, Bayerische Staatsbibliothek Clm 6606, fol. 221r): "Unde iam a centum annis et amplius hanc doctrinam scriptam reperimus, quod si unquam in aliquo papa futurus esset hereticus, si ille talis suffultus esset favore principum secularium et permitteretur diucius existere in papatu, quod in tam gravissimo periculo catholici illius temporis essent constituti, ut magis vel aliis infidelibus caperetur."

⁶⁴ Mann, "Ockham Redivivus or Ockham Confutator?" 207-8.

⁶⁵ See *ibid.*, where I have criticized at greater length Krämer's view that Segovia cited Ockham only to refute him. See also Offler, "The 'Influence' of Ockham's Political Thinking," 351-53.

⁶⁶ The following symbols and abbreviations are used in the "edition" of Salamanca 81:

< > = Angular brackets enclose words which should be included in the text but are not in the manuscript.

[] = Square brackets enclose words which do not belong in the text but which are found in the manuscript.

rep. = repeated.

corr. = corrected.

Ista clausula pertinacis, cum dicitur scienter, non debet referri ad pertinaciam errantis, ut scilicet aliquis sciat se pertinaciter errare, sed debet referri ad contrarietatem sue pertinacie vel erroris ad fidem christianam, ut dicatur scienter pertinax qui scit assertionem, circa quam errat, esse contrariam fidei christiane (*Dial.* 1.4.1–2 [fols. XXIIr–XXIIIr]).

Et sunt viginti modi pertinacie.

Plures modi ponuntur quibus possunt catholici presumptionem accipere violentam de aliquo quod est pertinax in errore (*Dial.* 1.4.5 [fol. XXIIIv]).

Primus modus pertinacie, quo quis de pertinacia deprehendi potest, si facto vel verbo iurat se non credere firmiter fidem christianam [non] esse veram et sanam, sed dicit falsam aut dubiam, vel ad sectam aliam se convertit, nisi metu mortis, prout Marcellinus papa.

Primus modus quo potest quis de pertinacia deprehendi est, cum in facto vel in verbo monstrat quis se non firmiter credere fidem christianam esse veram et sanam: puta si dicit fidem esse falsam vel dubiam, vel ad sectam aliam se convertit. . . . Unus solus casus, quantum ad fidei abnegationem, excipitur, scilicet si metu mortis fidem negavit. . . . Duo vero excipiuntur, quantum ad factum hereticalem. Primus est, si quis metu mortis actum hereticale commiserit. . . . Et isto modo excusabatur beatus Marcellinus . . . (*Dial.* 1.4.5 [fol. XXIIIv]).

Secundus modus, qui dicit aliquam partem Novi aut Veteris Testamenti non esse recipiendam vel aliquod (aliud ms) falsum asserere, quod de literato inteligitur. Unde sicut impenitens proprie qui proponit non penitere, sic (sicut ms) incorrigibilis qui est in proposito se nullatenus corrigendi.

Qui dicit aliquam partem novi vel veteris testamenti aliquod falsum asserere aut non esse recipiendam a catholicis est hereticus et pertinax reputandus. . . . si esset laicus vel illiteratus, non esset statim censendus hereticus, sed esset diligenter examinandus et etiam informandus. Et si post informationem convenientem non se corrigeret, esset pertinax reputandus. Si vero est literatus, sciens quos libros ecclesia reputat esse de integritate novi et veteris testamenti, et tamen hoc non obstante diceret librum Iosue vel alium ad vetus testamentum minime pertinere, esset statim hereticus iudicandus et per-

tinax, nec esset expectandus ut se corrigeret, sed statim pro incorrigibili esset habendus. . . .

Dicitur itaque quod sicut impenitens dupliciter accipitur, uno modo pro illo qui penitere non potest, alio modo pro illo qui est in proposito minime penitendi, sic incorrigibilis dicitur dupliciter. Uno modo ille qui non potest corrigi, et talis non est in hac vita, presertim si non est alienatus a sensu. Aliter dicitur ille incorrigibilis qui est in proposito se nullatenus corrigendi, licet possit corrigi (*Dial.* 1.4.6–7 [fol. XXIVr]).

Tercius modus, qui tenet ecclesiam universalem errare vel errasse, ex quo cepit congregatio esse christiana, licet credat a Christo et apostolis tradita nullum mendacium continere.

Dicunt nonnulli quod ille debet pertinax iudicari qui tenet universalem ecclesiam errare vel errasse, ex quo cepit ecclesia christiana congregari, licet credat fidem christianam traditam a Christo et ab apostolis in nulla sui parte mendacium continere (*Dial.* 1.4.8 [fol. XXIVr]).

Quartus modus, qui christianus et intelligens negat catholicam assercionem, que apud omnes christianos divulgata habetur, ut si negat Christum crucifixum propter violentam contra eum presumptionem, eciam si diceret se paratum corrigi.

Quartus modus secundum nonnullos quo statim aliquis pertinax et hereticus iudicatur est, si quis christianus capax rationis et maxime intelligens neget quamcumque assertionem catholicam, que apud omnes catholicos et fideles, cum quibus conversatur, tamquam catholica divulgatur et a predicantibus verba dei publice predicatur. Sicut apud omnes catholicos publice divulgatur quod Christus fuit crucifixus. . . .

Ideo secundum multos talis excusari non debet, quia esto quod esset possibile, quod aliquis talis esset paratus corrigi, tamen contra talem (quantumcumque dicat se paratum corrigi) est de pertinacia tam violenta presumptio, ex quo non ignorat assertionem negatam esse tam publice predicatam et assertam per ecclesiam, quod non est sibi credendum, cum dicit se paratum corrigi (*Dial.* 1.4.10–11 [fol. XXVr–v]).

Quintus modus, qui negat veritatem, quam scit in scriptura divina contineri vel determinatione ecclesie aut probari potest, quod eam docuerat ex intencione vel asseruerat publice.

Dicunt nonnulli quod ille est statim pertinax et hereticus iudicandus de quo est violenta presumptio, quod negat aliquam assertionem, quam scit in scriptura divina vel determinatione ecclesie contineri. Puta si probari potest, quod prius assertionem, quam negat, legerit cum intellectu in scriptura divina vel determinatione ecclesie, probari potest quod prius eandem assertionem, quam negat, ex intencione docuerat vel etiam asseruerat publice vel occulte (*Dial.* 1.4.12 [fol. XXVv]).

Sextus modus est qui scienter negat doctrinam sanctorum.

Alius modus de pertinacia convincendi dicitur esse, cum quis scienter negat doctrinam sanctorum (*Dial.* 1.4.13 [fol. XXVIr]).

Septimus modus, qui correptus legitime se non corrigit nec emendat, suam heresim revocando quando aperte ei ostenditur, quod sua assertio catholice ob /fol. 284r/ viat veritati; quia quando ostenditur quod sit dampnata explicite, tenetur eam revocare. Licet periti sint, <excusantur> quia non tenentur ad noticiam omnium (earum MS) explicite <damnatarum>.

Ille de pertinacia convincitur qui correptus legitime se non corrigit nec emendat, suam scilicet heresim revocando. . . . Quantum ad correctionem, dicitur quod illa sola correctio censenda est sufficiens et legitima reputanda, qua aperte erranti ostenditur, quod assertio sua catholice obviat veritati. . . .

Ad hoc respondent quod non tenetur aliquis statim revocare heresim damnatam explicite, quando ignorat eam damnatam esse explicite. Sed si sibi ostenditur quod est damnata explicite, statim eam revocare tenetur. . . .

. . . eruditi non tenentur habere noticiam de omnibus heresibus que explicite sunt damnate . . . (*Dial.* 1.4.13, 15, 18 [fols. XXVIr-XXVIIIr]).

Octavus modus, si <quis> alios ad suum errorem pertinaciter defendendum preceptis, comminationibus, penis, promissionibus, iuramentis vel alio quovismodo artare (ortare MS) molitur, scilicet si cogit aliquem veritatem catholicam abiurare (obviare MS), aut penis, minis vel pre-

Septimo modo nonnullorum iudicio est quis de pertinacia iudicandus, puta si alios ad suum pertinacem defendendum errorem preceptis, comminationibus, penis, premiis, promissionibus iuratis vel alio quovis modo artare molitur. . . . Non minus peccant qui alios cogunt minis,

ceptis eam negare compellit vel abiurare (obviare MS), etiam si ignoret talem esse catholicam veritatem, quia temerarie cogit, nisi sit certus certitudine sufficienti non esse consonam catholice veritati.

Nonus modus, qui abiurat (*corr.* MS *ex obviat*) catholicam veritatem vel iurat quamcumque assertionem, que est in rei veritate heretica, tamquam catholicam <in> perpetuum servaturum, quia talis firmat se in proposito negandi, nisi timore tormentorum, et tunc a pertinacia sed nec a peccato excusatur, nec excusat ignorancia, quia temerarie agere convincitur, quia secundum Augustinum iuramento asserit quod perspicue verum non apprehendit.

Decimus modus, si errans contra fidem prosequitur, molestat vel impedit veritatem catholicam defendentes aut pravitatem hereticam impugnantes.

terroribus, iuramentis vel preceptis aut comminationibus ad peccandum. . . . Potest octavo de pertinacia et pravitate heretica quis convinci, si cogat aliquem veritatem catholicam abiurare, aut penis vel preceptis catholicam veritatem negare compellit. . . . Dicitur quod talis per nullam potest ignorantiam excusari: quia nullus valet absque temeritate quomolibet attentare cogere alium iuramento, penis, minis vel preceptis aliquam assertionem abiurare vel negare, nisi sit certus certitudine sufficienti quod non est consona catholice veritati (*Dial.* 1.4.22–23 [fols. XXIXv–XXXr]).

De pertinacia et pravitate heretica ille convincitur necessario qui abiurat catholicam veritatem vel iurat se quamcumque assertionem, que est in rei veritate heretica (tanquam catholicam) in perpetuum servaturum. . . . Qui firmat se proposito negandi assertionem, que est catholica . . . , pertinax est censendus. . . . metu mortis vel gravium tormentorum potest a pertinacia et pravitate heretica excusari, sed non a peccato mortali. . . . aliquis potest excusari a mendacio, qui tamen a temeritate nullatenus excusatur, teste Augustino ubi allegas (*cf. Decretum Gratiani* C.22 q.2 c.4 = *Aug., Enchiridion* 18), qui ait: Nemo mentiens iudicandus est qui dicit falsum quod putat verum, quia quantum est in ipso, non fallit ipse, sed fallitur. Non ita mendacii, sed aliquando temeritatis arguendus est, qui falsa incaute credit aut pro veris habet (*Dial.* 1.4.24 [fol. XXXr–v]).

Decimo est quis de pertinacia convincendus, si errans contra fidem prosequitur vel molestat aut impedit catholicam veritatem defendentes aut pravitatem hereticam impugnantes (*Dial.* 1.4.25 [fol. XXXv]).

Undecimus modus, si errans contra fidem catholicam correctioni et emendacioni illius vel illorum, quorum interest, subicere se recusat, quia subterfugiens habetur pro nocente, non quod omni tempore teneatur venire ad lucem, quia sic pertinet ad preceptum affirmativum, quod non ad semper, sed <tenetur> non impedire iudicium, quod refertur ad negativum. Unde si papa dogmatizet heresim et impedit celebrari concilium, ne sua assertio discutatur, pertinax et hereticus est censendus.

Undecimo est quis de pertinacia convincendus, si errans contra fidem catholicam correptioni et emendationi illius vel illorum, cuius vel quorum interest, subicere se recusat. . . . Ille qui iudicium subterfugit pro nocenti debet haberi, teste Bonifacio papa. . . . Amplius veritate testante, ut habetur Io. 3: Qui male agit, odit lucem et non venit ad lucem. . . . Ex quibus colligitur quod qui non venit ad lucem, ut non arguantur opera eius, male agit. . . . Sicut scis, precepta affirmativa obligant semper, sed non pro semper . . . sed <tenetur> non impedire iudicium fieri, cum sit preceptum negativum. . . . Ex predictis isti inferre conantur, quod ubi Papa aliquam heresim dogmatisat vel impedit generale concilium celebrari, ne sua assertio discutatur, pertinax et hereticus est censendus (*Dial.* 1.4.26 [fol. XXXIr-v]):

Duodecimus modus, si de veritate renuit dampnabiliter informari, sed hoc quando sua assertio reprehenditur a peritis et de eius dogmatisatione scandalizantur fideles.

Duodecimo potest quis convinci pertinax (ut nonnulli dicunt), si de veritate dampnabiliter renuit informari. Ad cuius evidentiam distinguunt dicentes quod aut errantis assertio tanquam hereticalis reprehenditur a peritis et de cuius dogmatisatione scandaliscentur fideles, aut nequam reprehenditur a peritis . . . (*Dial.* 1.4.27 [fol. XXXIv]).

Tridecimus modus, si verbis vel factis protestatur se assertionem suam, que est hereticalis, minime revocaturum, quia talis non est paratus corrigi.

Tredecimo . . . si verbis vel factis protestatur se assertionem suam (que est hereticalis) minime revocaturum; quia talis non est paratus corrigi (*Dial.* 1.4.28 [fol. XXXIir]).

14 modus, si in favorem heretice pravitatis prohibet legi catholicas scripturas vel predicari aut publicari catholicas veritates, quia talis est defensor heresis et oppressor catholice veritatis.

Quartodecimo . . . si in heretice pravitatis favorem prohiberet legi scripturas catholicas vel prohiberet predicari aut publicari catholicas veritates; quia talis est defensor heretice pravitatis et oppressor catholice veritatis (*Dial.* 1.4.28 [fol. XXXIir]).

15 modus, qui in defensionem heretice pravitatis novos errores fingit et defendit, quia talis non est paratus corrigi, nec querit tanta sollicitudine veritatem.

16 modus, pote si papa errorem contra fidem defendit solempniter et a christianis asserit tamquam catholicum esse tenendum, quia artat alios ad errorem pertinaciter defendendum et protestatur se nolle corrigi.

17 modus, si tali diffinitioni consentit consulendo, cooperando, inducendo vel sic esse definiendum asserendo, quia facientes et consencientes etc.

18 modus, si quis inferior summo pontifice assercionem hereticam per sententiam diffinitivam determinat esse tenendam, imponens aliis quod ipsam sentiant esse catholicam et reputent, et hoc a forciori quam papa, quia usurpat in sic definiendo papale officium.
(*marg.*) 19 modus, quicumque tali determinationi consencientes sunt pertinaces.

20 modus, si potestatem habens pravitate heretice non resistit quia qui (*rep. ms*)

Quintodecimo . . . qui in defensione heretice pravitatis novos errores fingit, quia talis non est paratus corrigi, nec querit tanta sollicitudine veritatem (*Dial.* 1.4.28 [fol. XXXIIr]).

Dicunt nonnulli quod decimosexto potest papa specialiter convinci, scilicet de pertinacia et heretica pravitate si errorem quem contra fidem diffinit solemmniter a Christianis asserit tamquam catholicum esse tenendum. . . . Quia qui artat alios ad errorem pertinaciter defendendum est pertinax. . . . Errans contra fidem est pertinax et hereticus reputandus, qui facto vel verbo protestatur se nolle corrigi per illos, quorum interest . . . (*Dial.* 1.4.29 [fol. XXXIIr]).

Decimoseptimo . . . si tali diffinitioni pape consentit consulendo, cooperando, inducendo vel diffiniendo esse taliter asserendo. Hoc tali ratione probatur facientes et consentientes consimili crimine involuuntur . . . (*Dial.* 1.4.30 [fol. XXXIIv]).

Decimooctavo . . . si inferior episcopus summo pontifice aliquam assertionem hereticam per sententiam diffinitivam determinat esse tenendam, iniungens aliis et imponens quod ipsi sentiant ipsam et reputent eam esse catholicam. . . . si papa taliter determinans et sibi consentientes sunt pertinaces et heretici reputandi, multo magis inferior papa taliter determinans, officium usurpando papale, et sibi consentientes sunt pertinaces et heretici iudicandi (*Dial.* 1.4.30 [fol. XXXIIv]).

Decimonono . . . si potestatem habens pravitate heretice non resistit. . . . qui

potest revocare et non revocat ab errore
etc., III^o per totum.

potest hereticos ab errore revocare et
non revocat est inter hereticos compu-
tandus (*Dial.* 1.4.31 [fol. XXXIIv]).

APPENDIX B

Ockham, *Dialogus* 1.4.10 (Lyons edition,
fol. XXVr)

Segovia, *Explanatio* (Munich Clm 6606,
fol. 280v)

Si quis christianus capax rationis et
maxime intelligens neget quamcumque
assertionem catholicam, que apud omnes
catholicos et fideles, cum quibus conver-
satur, tanquam catholica divulgatur et a
predicantibus verba Dei publice predi-
catur. Sicut apud omnes catholicos pub-
lice divulgatur quod Christus fuit cruci-
fixus. . . .

Tercius modus pertinacie sequitur ex
isto, quando doctus et intelligens chris-
tianus negat esse veram illam assercio-
nem, quam scit in ecclesia teneri pro
catholica veritate et tamquam talis ubi-
que publice edoctur aut predicatur, velut
si negare Christum ex virgine natum aut
passum.

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THE SPOUSAL RELATIONSHIP: MARITAL SOCIETY AND SEXUALITY IN THE LETTERS OF POPE INNOCENT III*

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IN the Middle Ages, the spousal relationship was usually characterized by an individual's sharing life, body, and property with his or her partner. Although consent to this arrangement was essential, as decreed by the canon law of the twelfth century, and children were an expected and anticipated consequence, such a union went far beyond merely a consensual contract or a procreative function. Nevertheless, the quality of this marital relationship has received comparatively little attention in the historical research of medieval marriage.¹

* I would like to dedicate this article to the memory of my supervisor Michael M. Sheehan, C.S.B., of the Pontifical Institute of Mediaeval Studies. I am grateful for his criticism of an earlier version of this text.

The following abbreviations will be used:

Baluze = E. Baluze, ed., *Epistolarum Innocentii III Romani pontificis libri undecim*, 2 vols. (Paris, 1682).

Cal. = C. R. Cheney and Mary G. Cheney, eds., *The Letters of Innocent III (1198–1216) Concerning England and Wales: A Calendar with an Appendix of Texts* (Oxford, 1967).

Decretum = Aemilius Friedberg, ed., *Decretum Magistri Gratiani*, vol. 1 of *Corpus iuris canonici* (Leipzig, 1879).

Pott. = August Potthast, ed., *Regesta pontificum romanorum inde ab a. post Christum natum MCXCVIII ad a. MCCCIV*, 2 vols. (Berlin, 1874–75).

Reg. Vat. = *Registra Vaticana*.

Theiner = Augustin Theiner, ed., *Vetera monumenta Slavorum meridionalium historiam illustrantia*, vol. 1 (Rome, 1863).

X = Aemilius Friedberg, ed., *Decretalium D. Gregorii Papae IX compilatio*, in vol. 2 of *Corpus iuris canonici* (Leipzig, 1881), cols. 1–928.

¹ There are certain notable exceptions where research in the area of marital affection is beginning to yield some important results: John T. Noonan, Jr., "Marital Affection in the Canonists," *Studia Gratiana* 12 (1967): 479–509; and more recently, Jean Leclercq, *Monks on Marriage: A Twelfth Century View* (New York, 1982); Michael M. Sheehan, "Maritalis Affectio Revisited," in *The Olde Daunce: Love, Friendship, Sex, and Marriage in the Medieval World*, ed. Robert R. Edwards and Stephen Spector (Albany, 1991), 32–43; Elizabeth A. Clark, "'Adam's Only Companion': Augustine and the Early Christian Debate on Marriage," in *The Olde Daunce*, 15–31; and Erik Kooper, "Loving the Unequal Equal: Medieval Theologians and Marital Affection," in *The Olde Daunce*, 44–56.

Canonical legal sources, which are primarily normative in their prescriptions, discuss such topics as the formation of the conjugal bond or the requirements for a suitable spouse. Sometimes these texts cite theological tenets concerning the sacramental nature of marriage. With the exception of the testimony of couples from ecclesiastical court records,² these sources do not often include actual personal reflections of the spouses themselves about their union. Indeed, in one sense, this muffling of the couple's voice may be a limitation to the historian. Canon law, nonetheless, when probed can give valuable insights into the Church's consideration of the social and sexual aspects of the spousal relationship.

One means of investigating ecclesiastical attitudes is by focusing upon the letters of the late twelfth and thirteenth centuries issued during the pontificate of Innocent III, a very influential and dynamic pope of this period. The *Vatican Registers* beginning with his pontificate (1198–1216) contain a corpus of correspondence sent in response to inquiries and cases arising from various parts of Christendom.³ This article will explore this pope's expectations for various aspects of marital society and sexuality in selected cases from the registers.⁴

² See, for instance, the discussion and court records in Norma Adams and Charles Donahue, Jr., eds., *Select Cases from the Ecclesiastical Courts of the Province of Canterbury c. 1200–1301*, The Publications of the Selden Society, vol. 95 (London, 1981); R. H. Helmholz, *Marriage Litigation in Medieval England* (London, 1974); and Micheal M. Sheehan, "The Formation and Stability of Marriage in Fourteenth-Century England: Evidence of an Ely Register," *Mediaeval Studies* 33 (1971): 228–63.

Noncanonical sources such as medieval collections of spousal letters (including those of Stephen of Blois and Adèle, Abelard and Heloise, and the Paston family) reveal further insights into the attitudes of couples toward their marriages.

³ *Reg. Vat.* 4–7, 7A, and 8 contain the letters from Innocent's pontificate. Despite the loss of the letters from the third, fourth, eighteenth, and nineteenth years of his reign, *Reg. Vat.* 8A provides rubrics for 766 epistles which note their topics and addressees. See *Cal.*, pp. ix–xxiv, for an analysis of the registers, editions of letters, and the papal chancery.

⁴ This article has limited its exploration to the letters of Innocent III. Cases have been selected on the basis of their contents pertaining to nonsexual and sexual aspects of spousal relationships. Hence, the range of marriage law presented is somewhat limited. Another legal area which could bear further scrutiny and research concerns the incest rules for consanguinity and affinity abbreviated by Innocent in 1215. This conciliar decree of Lateran IV was the most innovative since the formulation of the consensual policy of Alexander III (1159–81).

For a discussion of Innocent's attitudes toward women, marriage, and sexuality in his other writings, such as sermons and his early treatise, the *De miseria humanae conditionis* (1195), and for an explanation of his much more pessimistic treatment of these topics in the latter text, see my article, "Pope Innocent III and Misogyny: A Reconsideration" (forthcoming).

MARRIAGE: CONSENSUAL CONTRACT AND SACRAMENT

The establishment of the conjugal bond was the first step in the creation of a marital society between two individuals. During the twelfth and thirteenth centuries, canonists, theologians, and the papacy struggled to formulate a theory for the formation of marriage. The competing claims of consent and consummation were present and needed resolution.

In 1140, the Bolognese canonist Gratian used the dialectical method in his *Decretum* to harmonize the two positions discovered in his sources.⁵ These stated that marriage was created either by consent or by consent and sexual intercourse. According to Gratian, the two views were actually complementary elements in a two-stage process of conjugal union.⁶

The first phase was the *matrimonium initiatum*, or the state of having entered into marriage, which occurred when the couple gave marital consent. The second stage, the *matrimonium ratum*, arose when the couple consummated the union by sexual intercourse, which formed and perfected the conjugal bond.⁷ It is clear from Gratian's analysis that sexual intercourse was necessary for the creation of the marital bond. Marriage was initiated by consent but was only completed by carnal union.⁸

In 1151, the Parisian theologian Peter Lombard described a consensual theory of marriage in his *Sentences*.⁹ This theory incorporated the concept in Roman law that consent made a marriage. Lombard distinguished between marriage and mere betrothal. Marriage was established when the couple mutually expressed the *spontalia verba de presenti* or present consent. On the other hand, betrothal was made with the *spontalia verba de futuro* or the expression of consent to marry at a future time. According to Lombard's position, which differentiated between these two types of consent,

⁵ Gratian was a jurist who probably taught canon law in Bologna. His twelfth-century treatise the *Decretum* formed the major basis for the systematic study of canon law in the Middle Ages. Few details are known about his life. See Stephan Kuttner, "The Father of the Science of Canon Law," *The Jurist* 1 (1941): 2-19; and also John T. Noonan, Jr., "Gratian Slept Here: The Changing Identity of the Father of the Systematic Study of Canon Law," *Traditio* 35 (1979): 145-72, who critically evaluates and analyzes the fragmentary biographical evidence.

⁶ Michael M. Sheehan, "Choice of Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage," *Studies in Medieval and Renaissance History*, n.s., 1 (1978): 8; James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago, 1987), 236.

⁷ *Decretum*, C.27 q.2 c.33-39.

⁸ Sheehan, "Choice of Marriage Partner," 8.

⁹ Peter Lombard was an Italian who taught theology in Paris. His twelfth-century work, the *Sententiae*, parallels Gratian's text as the basic handbook and textbook of theology used during the Middle Ages. See Brundage, *Law, Sex and Christian Society*, 264.

it was *present consent*, not sexual intercourse, which created a permanent marriage bond.¹⁰

Thus, the Bolognese and Parisian thinkers formulated two theories with somewhat different emphases concerning the creation of the conjugal bond. Another French theologian, Hugh of St. Victor, between the years of 1131 and 1141 had already given a certain credibility to the consent theory by arguing that the union of Mary and Joseph was perfect despite its lack of consummation.¹¹ This plurality of positions was finally synthesized by the marital theory of Pope Alexander III (1159–81).¹² According to the definitive theory of Alexander, established by 1181, the marital bond was formed in one of two ways. Present consent, or *verba de presenti*, mutually given by a couple who could contract marriage created a valid indissoluble bond. Future consent, or *verba de futuro*, followed by carnal intercourse also created a valid indissoluble bond.¹³ Therefore, the French distinction between consent in the present and future tense now became the major focus of marriage law.¹⁴ Yet, the Italian emphasis on sexual union also had a significant role in transforming a betrothal (future consent) into a valid marriage.¹⁵

In contrast to the struggle and hesitation of most of the twelfth century, the late twelfth and thirteenth centuries can be characterized as a period of the crystallization of the canonical theory concerning the creation of the conjugal bond. Innocent III, like his predecessor Alexander III, deemed present consent to be the only prerequisite in forming an indissoluble conjugal bond.

¹⁰ Peter Lombard, *Sent.* 4.27.3 (*Sententiae in IV libris distinctae*, 3d ed., vol. 2, Spicilegium Bonaventurianum 5 [Grottaferrata, 1981], 422–23); Sheehan, "Choice of Marriage Partner," 13; Jean Dauvillier, *Le mariage dans le droit classique de l'église depuis le Décret de Gratien (1140) jusqu'à la mort de Clément V (1314)* (Paris, 1933), 12.

¹¹ Leclercq, *Monks on Marriage*, 25–28. This was stated in the Victorine's *De virginitate beatae Mariae*.

¹² Dauvillier, *Le mariage*, 17–32. Christopher N. L. Brooke, *The Medieval Idea of Marriage* (Oxford, 1989), 169–72, criticizes Dauvillier's views of Alexander III's decretals as well as Donahue's salvaging of most of the chronology of the French historian, as found in Charles Donahue, Jr., "The Dating of Alexander The Third's Marriage Decretals: Dauvillier Revisited After Fifty Years," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 68 (1982): 70–124.

¹³ Charles Donahue, Jr., "The Policy of Alexander the Third's Consent Theory of Marriage," in *Proceedings of the Fourth International Congress of Medieval Canon Law, Toronto, 21–25 August 1972*, ed. Stephan Kuttner, Monumenta Iuris Cononici, Series C: Subsidia, vol. 5 (Vatican City, 1976), 251–52. It should be noted that Innocent II in a decretal of 1140 had anticipated Alexander's doctrine of present consent even before the writings of Peter Lombard. See Brooke, *Medieval Idea of Marriage*, 138, 150–51.

¹⁴ Brundage, *Law, Sex and Christian Society*, 334.

¹⁵ J. Mullenders, *Le mariage presumé*, Analecta Gregoriana 181 (Rome, 1971), 47, 112.

Innocent's efforts to make present consent prevail over sexual union as the determining factor in marriage formation is seen especially in a letter of 1200. The pope noted that according to the custom in the city of Modena, if a man had sworn to marry a woman and espoused her without consummation but later espoused a second woman and had sexual intercourse, he was judged to be husband of the latter. After considering this custom, the pope now decreed that the church in Modena must observe and teach the view that mutual consent *de presenti*, given by persons who could contract marriage, created the conjugal bond and superseded any later unions. If consent was lacking, sexual intercourse alone or with other elements (presumably such as rings, marital portions, etc.) could not establish nuptials.¹⁶ Thus, Innocent attempted to eradicate regional custom where the opposite view obtained and to impose the Alexandrine theory as the universal law of the Church.

Marriage was not only a consensual contract but also, most importantly, it was a sacrament. In an earlier letter dated 1198, addressed to Odo, Bishop of Paris, Innocent declared that marriage was a sacrament ordained and instituted by God at Creation. Although marriage is contracted by men and women ("inter homines contrahatur"), it signifies the union of Christ and his Church and the union of the faithful soul to Christ.¹⁷ Marriage was an indissoluble bond which could not be broken by human authority.¹⁸ It was through this consensual contract and sacrament that a man and woman would join themselves in a lifelong association.

¹⁶ Pott. no. 1238 (*Ex parte tua* [December 1200]; PL 216:1264 [from Baluze 1:601]; X 4.4.5).

¹⁷ Pott. no. 13 (*Reg. Vat.* 4, fol. ii recto-verso [lib. 1, no. iii/4], *Cum omnia orta* [9 January–21 February 1198]; PL 214:3–5, ep. 4; Othmar Hageneder and Anton Haidacher, eds., *Die Register Innocenz' III. 1: Pontifikatsjahr, 1198/99, Texte*, Publikationen der Abteilung für historische Studien des Österreichischen Kultursinstituts in Rom, 1. Abteilung, 1. Reihe [Graz-Cologne, 1964], 9–12, no. 4, with quotation on p. 10). Innocent's treatise, *De quadripartita specie nuptiarum*, composed between 1195 and 1198 discussed marriage in terms of that between man and woman, Christ and Church, God and soul, and Logos and human nature. The essential theme of the text was the sacramentality of marriage.

¹⁸ Pott. no. 13 (see preceding note); in addition to these theological tenets, Pott. no. 4657 (*Reg. Vat.* 8, fol. cxxvi verso–cxxvii verso [lib. 15, no. 221/219], *Novit ille qui* [19 January 1213]; PL 216:749–54, ep. 221) mentions the pre-Fall institution of marriage for procreation and the third signification of the marriage sacrament as the union of Christ's human and divine natures (PL 216:750). See also Pott. no. 3091 (*Reg. Vat.* 7A, fol. xii verso–xiii recto [lib. 10, no. 54], *Gloria nominis vestri* [21 April 1207]; PL 215:1146–48, ep. 54), where Innocent, writing against the Manichean heretics' prohibition of marriage and their sexual promiscuity, invoked Paul's commendation of marriage as a great sacrament: "Ille [Manichaeus] prohibet nubere, damnans conjugium, et asserens non esse majus peccatum polluere matrem vel filiam quam extraneam vel ignotam. Iste [Paul] vero commendat conjugium, asserens illud magnum existere sacramentum in Christo et in Ecclesia . . ." (PL 215:1147).

MARITAL SOCIETY

Marriage, a contract and a sacrament, provided the milieu for spouses to develop a social and sexual alliance. In this article, the phrase "marital society" will be used to signify those aspects of the conjugal relationship which are nonsexual in nature. Spousal influence, treatment, moral responsibility, and maintenance all can be considered part of marital society. Innocent's letters offer insights into the papal attitudes concerning these four areas of the spousal relationship.¹⁹

One letter of particular interest concerns Peter II of Aragon and his marriage with Marie, daughter of William VII, Count of Montpellier. Peter II had married Marie on 15 June 1204, but a year later he sought the hand of the daughter of the king of Jerusalem and hence desired to end his first marriage.²⁰ In his denial of Peter's request for an annulment of his first marriage, Innocent revealed his view that a wife could be an indirect ethical force upon her husband. The pope ordered Peter to take back his wife, whom he had previously dismissed, and treat her with marital affection since she had borne him a son and she was a devout and virtuous woman. Besides these reasons, however, the pope said he hoped that as a result of Peter's relationship with Marie good fortune and blessings would come to the king if he would treat her honorably and decently, since the Apostle Paul attested that even an infidel husband would be saved through a faithful wife.²¹

¹⁹ Evidence that Christian writers possessed some comprehension of marriage as a spousal society has recently been demonstrated by Elizabeth A. Clark in her study of St. Augustine's notion of marital friendship. In her argument, Clark points out that the saint had a distinctive vision of companionate marriage but it was often surpassed by his focus upon the procreative and sexual function of the conjugal union. Such an emphasis, she contends, was partly the result of the context of theological controversies such as Manicheanism and Pelagianism in which he framed his position. See Clark, "Adam's Only Companion," 15.

²⁰ Robert H. Tenbrock, "Eherecht und Ehepolitik bei Innocenz III" (Ph.D. diss., Westfälische Wilhelms-Universität zu Münster, 1933), 56–57. See Pott. no. 2814 (*Reg. Vat.* 7, fol. lxxxxiii verso [lib. 9, no. 90], *Transmissa nobis carissimus* [17 June 1206]; PL 215:908–9, ep. 91) and Pott. no. 2991 (*Reg. Vat.* 7, fol. cxxxviii recto-verso [lib. 9, no. 247], *Dudum nos vobis* [28 January 1207]; PL 215:1080–81, ep. 268). Peter II charged his first marriage was invalid on the basis of Marie's precontract with another man, Bernard VI of Comminges, Peter's sexual relations with a blood relative of Marie before the wedding, and consanguinity with Marie. These charges were later proved untrue. See Pott. no. 4657 (n. 18 above).

²¹ Pott. no. 4657: "... reginam eandem in plenitudinem gratiae regalis admissam benigne recipias et maritali affectione pertractes; praesertim cum filium susceperis ex eadem, et sit mulier Deum timens, multa praedicta honestate. Unde pro certo speramus multa ex ipsius consortio maxime si ad Deum respectum habens, ipsam sicut reginam honorifice ac decenter tractaveris, serenitati tuae commoda proventura; cum vir etiam infidelis per fidelem mulierem salvetur, Apostolo attestante" (PL 216:753); see also Pott. no. 4656 (*Novit ille qui* [19 January 1213]; Gerónimo Zurita y Castro, *Indices rerum ab Aragoniae regibus gestarum*, 2 vols. in 1 [Zaragoza, 1578], 1:93–96). The couple briefly reconciled in early 1207 and Marie gave birth to a son, James. See Tenbrock, "Eherecht," 59.

By paraphrasing the Pauline text,²² Innocent clearly utilized it for his own purposes, since Peter was not an infidel but a Catholic. Yet, the king's own religious affiliation probably made his dismissal of his wife and the desire for a new marriage even less tolerable in the eyes of the Church. The pope therefore suggested two ways in which Peter would be able to make amends for his hitherto questionable behavior. First, he instructed Peter to treat his wife, the mother of his child, in a manner befitting a spouse, with honor and humanity. Second, Innocent implied that a wife could convince her spouse to live morally. He emphasized the woman's own Christian conduct and implied that somehow, through Peter's association (*consortium*) with her in their married life, her own virtue would serve as a model for him to emulate. Given a spouse's daily contact with his or her partner, such association gave ample time for the possibility of moral persuasion. The pope unfortunately did not elaborate upon the manner in which the faithful conduct of Peter's wife could aid in his own salvation.²³

Innocent's instructions concerning proper spousal treatment was also occasioned by the annulment case between Philip Augustus of France and his queen, Ingeborg of Denmark.²⁴ During the course of the lengthy proceedings which followed, Philip had incarcerated Ingeborg in order to extort a favorable response to the divorce from his reluctant wife. In June 1203, the pontiff scolded Philip for his ill-treatment and captivity of the Danish woman and warned him that he would be considered culpable for her death should it occur and he would be unable to contract another marriage in the future. The pope further required that the papal envoy have access to confer with the queen concerning the case.²⁵ Philip did not heed the warning and so another letter was sent in the same year to the king, exhorting him to provide humane and suitable treatment to the woman, his wife and queen,

²² 1 Cor 7:14: "... sanctificatus est enim vir infidelis per mulierem fidelem, et sanctificata est mulier infidelis per virum fidelem. . . ." This passage was based on the rabbinical tradition of the sanctifying role of wives.

²³ Despite the apostolic command, Peter did not wish to take back Marie as his lawful wife. Marie died in April 1213 in Rome, approximately three months after the decision was rendered and the case was closed. See Tenbrock, "Eherecht," 62.

²⁴ In 1196, an assembly of French bishops dissolved the union; Innocent, nevertheless, rejected the sentence. See Brooke, *Medieval Idea of Marriage*, 124. For a complete discussion of the case, see Helene Tillmann, *Pope Innocent III*, trans. Walter Sax, Europe in the Middle Ages: Selected Studies 12 (Amsterdam, 1980), 333-48.

²⁵ Pott. no. 1954 (*Reg. Vat.* 5, fol. lxv verso-lxvi recto [lib. 6, no. 86], *Inter Deum et* [June 1203]; PL 215:88-90, ep. 86): "... quod in necem ipsius fuisses callide machinatus, sicque diceris partem tui corporis occidisse, nec posses ad alia vota de caetero convolare. . . . Ad haec . . . nuntio nostro . . . adeundi reginam ipsam cum viris religiosis liberam tribuas facultatem" (PL 215:90).

who lacked the basic necessities.²⁶ The contents of Innocent's letters suggested that he conceived of marriage as precluding this type of spousal abuse. An individual's consideration of his conjugal partner's welfare and well-being was an inherent part of their association.²⁷

Marital society included proper spousal treatment, but its preservation also involved monetary and property arrangements. Innocent recognized this fiscal reality in the importance of dowry. He intervened for the sake of an impoverished husband in a letter of 1206. The archbishop and archdeacon of Genoa had ordered that a citizen, Richard, pay 8 pounds to an indigent man, Hugo, as dowry for his daughter. Richard, however, had refused and the case then went before the Genoese council which had decreed that according to custom, since Hugo was poor, the dowry would be given to him only if he gave a suitable guarantee that it would not be wasted. At this point the prelate and archdeacon had commanded Hugo to receive his wife, and until he was able to give suitable security the dowry would be kept in the sacristy ("in secretario Ecclesiae Januensis"). Since Hugo could not give such a guarantee, however, the judges-delegate had written to Innocent.²⁸

After considering the situation, the pope ruled that a small portion of the dowry should be loaned to the husband to provide for his wife's bodily needs. Either the dowry should be assigned to Hugo, who would have to give a suitable guarantee for it, or the dowry should at least be entrusted to a merchant, so that Hugo could provide for the expenses of married life from the profit accrued. Otherwise, if Hugo was denied at least a portion of the dowry, Innocent feared that he would send away his wife and fall into the sin of adultery.²⁹

Innocent's decree clarified the position that despite regional custom, at least the income from the dowry should be handed over to even a poor husband and he should not be required to give security beyond his means. The text revealed the pope's pastoral desire to prevent fiscal status from

²⁶ Pott. no. 2036 (*Reg. Vat.* 5, fol. lxxxxi verso–lxxxxii recto [lib. 6, no. 182], *Utinam labor improbus* [9 December 1203]; PL 215:198–200, ep. 182).

²⁷ Ultimately Innocent denied Philip Augustus's petition for the annulment. See Tillmann, *Pope Innocent III*, 341.

²⁸ Pott. no. 2706 (*Reg. Vat.* 7, fol. lxxii recto–verso [lib. 9, no. 13], *Per vestras nobis* [8 March 1206]; PL 215:817–18, ep. 13; X 4.20.7).

²⁹ *Ibid.*: "Cum ergo satis possit credi modicum dotis, cui creditum est corpus uxoris . . . mandamus quatenus dotem assignari faciatis eidem, sub ea quam potest cautione praestare, vel saltem alicui mercatori committi, ut de parte honesti lucris dictus vir onera possit matrimonii sustinere, ne, occasione dotis detentae, uxor a viro dimissa, seu vir, qui dimisit uxorem, adulterii reatum incurrat" (PL 215:818). It was not clear from the text whether the dowry entrusted to the merchant was a deposit or investment.

determining conjugal cohabitation, the lack of which might open the possibility of sexual sin. Most importantly, it indicated Innocent's awareness of the practical economic reality in providing for a wife's basic necessities such as food, clothing, and shelter.³⁰ Thus, because of these concerns, Innocent superseded regional custom regulating the delivery of dowries.

A fourth case gives further evidence of the pontiff's recognition of a wife's bodily needs but also addresses the question of spousal responsibility when one partner committed a crime. The suit involved the recovery of a wife's dotal goods after she was abandoned by her husband.³¹ When R. de St. Germain's husband committed a crime and fled, R. and her brother-in-law, R. de Georgio, were captured by the civil authority (*justitarius*), who ordered the lands (*honores*) of the husband to be sold and the proceeds paid to the merchant whom he had injured and despoiled. R.'s brother-in-law had sold the goods to a merchant according to royal command, but he had still retained certain of the woman's possessions which could not be sold and had paid the merchant for these items. The woman R., however, claimed that since dotal goods (*dos*) were protected before all creditors, she should not lose these goods or their value, which she sought now before the court. The brother-in-law countered that the court should dismiss her claim since he was only following orders. Nevertheless, the bishop had investigated and determined the price for which the lands had been sold as well as the value of the woman's other possessions retained by her brother-in-law.

After surveying the testimony, Innocent instructed the bishop that the brother-in-law should be ordered to restore the dotal goods to the woman, if further investigation and evidence corroborated the amount of the woman's dotal possessions and the brother-in-law's retention of her goods. The pope gave three reasons for his decision: (1) women should be aided in the recovery of dotal goods; (2) according to the law, dower given to the wife was tacitly pledged; and (3) the misdeed of a husband should not cause his spouse to be unendowed.³² In the pontiff's view, the support of

³⁰ See also Pott. no. 5038 (1198–1215), where Innocent mentioned the financial burden of marriage, *onera matrimonii* (X 5.19.16).

³¹ Pott. no. 2414 (*Reg. Vat.* 5, fol. clxxiii verso [lib. 7, no. 219], *Ex litteris tuae* [12 February 1205]; PL 215:532–34, ep. 219; X 3.21.5).

³² *Ibid.*: "... per apostolica tibi scripta praecipiendo [mandantes], quatenus, si tibi constiterit ex his, quae in praesentia tua fuerint proposita, et probata, quod mulier quantum dicit, viro dedisset in dotem, et praedictum R. de bonis fratris aliqua possidere, cum mulieribus favor multus in recuperandis dotibus debeatur, et cautum etiam sit in jure, quod propter maleficium viri mulier remanere non debet indotata, cum etiam bona viri mulieri pro dote tacite obligata cum suo onere transiverint ad quemlibet possidentem, praedictum R. eidem mulieri ad restitutionem dotis, eatenus, appellatione remota, condemnes, quatenus de bonis praedicti fratris sui noscitur possidere" (PL 215:534).

the wife through dotal goods was essential, and the dotal rights of the wife must be protected, regardless of her husband's criminous behavior. Hence, in the society of marriage, Innocent did not identify the wife with the husband when it concerned the issue of criminal culpability. Despite their one flesh, each was an individual moral agent, and the innocent spouse should not be punished for her partner's crime.

MARITAL SEXUALITY

The societal aspect was one side of the marital relationship; the other was the spouses' sexual union. The canonical understanding of conjugal sexual relations was based on the concept of the conjugal debt from St. Paul's letter to the Corinthians. The Apostle articulated that spouses were to render to each other their sexual due and that neither possessed rights over his or her own body but only over the partner's. Husband and wife could not refuse one another except with mutual consent, and should reunite to avoid fornication.³³ The Pauline discussion focused on marriage as a way to avoid sexual sin and maintain marital chastity. James Brundage concludes that the conjugal debt "legitimized sexual rights within marriage and at the same time secured for married women a sharply limited area of equality with their husbands."³⁴

The conjugal debt was one of the primary concepts underlying much of Innocent's discussion of marital sexual behavior. Yet the pope considered this canonical principle as possessing a certain flexibility not mentioned in the Pauline text. The decretals dealt with the marital debt as it related to issues of morality, the entrance into religion, the right of a husband to go on crusade, and the problem of sexual incapacity.

The pope provided explicit moral guidelines for the rendering of the conjugal debt in a letter dated 1209.³⁵ The pope was asked whether a spouse was morally required to render the debt if he knew that a marital impediment existed which would cause the act to be sinful. The pontiff tried to clarify

³³ 1 Cor 7:3–6. Nothing in this Scriptural passage indicated explicitly that Paul viewed the conjugal debt in a flexible manner which permitted unilateral abrogation based on a certain human qualifications and contexts. Such a supposition cannot be made from the available evidence.

³⁴ James A. Brundage, "Carnal Delight: Canonistic Theories of Sexuality," in *Proceedings of the Fifth International Congress of Medieval Canon Law, Salamanca, 21–25 September 1976*, ed. Stephan Kuttner and Kenneth Pennington, Monumenta Iuris Canonici, Series C: Subsidia, vol. 6 (Vatican City, 1980), 381.

³⁵ Pott. no. 3668 (*Reg. Vat.* 7A, fol. lxxxiii recto-verso [lib. 11, no. 269], *Inquisitioni tuae breviter* [1–21 February 1209]; PL 215:1583, ep. 269; X 5.39.44).

the problem by distinguishing three instances. (1) A spouse who *knew with certainty* of an impediment which caused intercourse to be mortally sinful, but which could not be proved before an ecclesiastical court, should suffer excommunication rather than commit mortal sin by rendering the debt. (2) An individual who *believed* rashly (*ex credulitate levi et temeraria*) that an impediment existed, but who did not know of it with certitude, should reject this injudicious belief with the counsel of his pastor and then licitly render and exact the debt. (3) In the case, however, where a spouse's conscience was disturbed because he *believed* with discretion and prudence (*ex credulitate probabili et discreta*) that an impediment existed, although the impediment was not manifest, he could render the debt to his partner but could not request it: he could not exact the debt since this would contradict his own conscience (*judicium conscientiae*).³⁶

Papal sensitivity to the conjugal debt as a mutual obligation which governed the sexual life of a couple was operative in Innocent's discussion. Nevertheless, besides application of this principle, the pontiff made certain adjustments to it. A spouse's rendering and exaction of the debt was based on the degree of certitude by which he knew of the impediment. The internal forum of the conscience superseded the commands of the external forum of the ecclesiastical court. Hence, in the first case, the conscience and the threat of mortal sin took precedence over the canonical principle of the debt, and the other spouse's sexual rights were unilaterally abrogated. However, the conjugal debt was too important to be lightly dismissed in instances where an impediment was believed to exist rather than actually known.

Discussion took a slightly different direction in cases where the spouse chose to enter religious life. In addition to moral ramifications, the conjugal debt had significant *juridical* consequences in these cases. Two delicate issues arose which touched the other marital partner. The first issue concerned the right of a spouse to take a monastic vow which would terminate the other's right to intercourse; the second concerned the serious threat of sexual sin. Pope Alexander III (1159–81) had required that in a consummated marriage one spouse was permitted to enter a monastery only with the free consent of the other, who in principle also made a religious profession or at least took a vow of continence.³⁷ The canon law, therefore, recognized

³⁶ Ibid.

³⁷ Entrance into religion did not dissolve the bond of a consummated union, hence the need for the other spouse's continence or entry into a convent. See Dauvillier, *Le mariage*, 315, 317; and X 3.32.4–6. In an unconsummated marriage, however, a spouse could enter religion without the consent of the other partner; see X 3.32.3.

that the conjugal debt was a continuing obligation which preserved the parity of the couple's sexual rights and only ceased through mutual consent.

Innocent's continuation of this policy was only partly demonstrated in a decretal of 1205.³⁸ The case concerned a woman, Juliana, who asserted that after twenty years of legitimate marriage, her husband had decided to become a monk at the Cistercian house of Warden. When Juliana was reluctant to consent to his proposal, the man physically abused her until she finally agreed. The husband later relinquished his habit and returned to the world, but he refused to continue the marriage in spite of the woman's request to do so, and he subjected her to further violence and insults. Innocent decreed that if the woman were of an age at which sexual sin were possible, the judges should compel the man to take back his wife and treat her with conjugal affection.³⁹

On one hand, the pope's ruling was clearly grounded on the principle of the conjugal debt. The evidence demonstrated that the woman's consent to give up her sexual rights had been coerced. The husband's unilateral action to enter a monastery had upset the equality of the couple's sexual rights and put his wife in the danger of the possible sin of adultery. Thus, the pontiff's judgment, motivated by pastoral care, restored the marriage and the wife's carnal rights.⁴⁰

On the other hand, it is important to note that the papal ruling contained a condition based on the woman's age. If the woman were too elderly to be sexually active and carnal sin were unlikely, then the man would not be compelled to take back his wife and render her sexual due. Whereas there is no such condition mentioned in the Pauline dictum, Innocent seems to imply the possibility of adjusting the absoluteness of the debt principle based on the likelihood of sexual transgression and the age of the parties.

Canon law permitted married people to separate mutually and privately for the sake of religious vocation. Sometimes circumstances requiring a crusade likewise resulted in the separation of husbands and wives for long

³⁸ Pott. no. 2470, *Cal.* no. 614 (*Reg. Vat.* 7, fol. x recto [lib. 8, no. 34], *Accedens ad praesentiam* [9 April 1205]; PL 215:593–94, ep. 34; X 3.32.17). I would like to thank Kathryn Taglia for her insights concerning this case.

³⁹ *Ibid.*: “Quocirca, discretioni vestrae per apostolica scripta mandamus, quatenus, si res ita se habet, et dicta mulier illius aetatis existit ut de lapsu carnis ipsius merito valeat dubitari, dictum virum, ut eam recipiat eique affectum exhibeat conjugalem, monitione praemissa per censuram ecclesiasticam, appellatione remota, cogatis . . .” (PL 215:593–94).

⁴⁰ See also a similar papal decision in Pott. no. 537 (*Ut beatus dicit* [20 September–31 December 1198]; ed. Jacob Langebek, *Scriptores rerum Danicarum medii aevi*, vol. 6 [Copenhagen, 1786], 12–13), where Innocent notes, “. . . conjugium dividi non potest, quia scriptum est: mulier potestatem sui corporis non habet sed vir, & vir potestatem sui corporis non habet, sed mulier” (p. 13).

periods of time. In this case, the conjugal debt and its inherent notion of equal sexual rights was a fundamental guiding principle in the canon law concerning the crusading vow. This vow could abrogate a spouse's sexual rights and raise the possibility of sexual sin. Thus, prior to Innocent's reign, the law required the mutual consent of the spouses to remain celibate when one went on crusade.⁴¹

Three decretals of Innocent dealt with the sexual rights of crusaders' wives. In the first, replying to the query of Hubert, archbishop of Canterbury, Innocent stated in 1200 that wives of crusaders who did not wish to remain at home could accompany their husbands on expeditions.⁴² It can be suggested this papal permission to married women indicated his recognition that the women's conjugal rights should be protected if possible. Therefore, Innocent's decision changed the usual rules controlling the participation of women in crusades.⁴³ No doubt under the pope's guidelines, able-bodied fighters probably took up the cross more readily since the men could utilize the wives' chance of accompanying them in order to change the minds of their otherwise reluctant partners. Moreover, besides preservation of the debt, such a papal declaration probably resulted in increased military manpower, since husbands were not required to leave their spouses for years at a time and thus joined expeditions more readily.

Yet certain circumstances could supersede even the demands of the conjugal debt. A second letter dated September 1201 was sent to Hubert, archbishop of Canterbury in order to clarify the previous papal epistle.⁴⁴ The prelate had asked whether Rome's previous ruling could be interpreted, as it had been by some, to mean that men could take and fulfill a crusading vow *without* their wives' consent. Innocent now replied that in this time of great necessity for Christians, aid to the Holy Land should not be impeded or delayed, and thus crusaders could freely take and fulfill this vow without the consent of their spouses. Wives should, however, be persuaded to give consent if at all possible.⁴⁵

⁴¹ James A. Brundage, "The Crusader's Wife: A Canonistic Quandary," *Studia Gratiana* 12 (1967): 428–30.

⁴² Pott. no. 1137, *Cal.* no. 261 (*Reg. Vat.* 8A, fol. lii of lost register [lib. 3, no. 160], *Quod super his* [?Aug. x Sept. 1200 in *Cal.*; 1200 in Pott.]; Theiner, p. 51, no. 160; PL 216:1261–62 [from Baluze 1:599–600]; X 3.34.8): "De mulieribus autem hoc credimus observandum, ut quae remanere noluerint, viros suos sequantur euntes; caeterae vero, nisi forte sint divites, quae secum in suis expensis possint ducere bellatores, votum redimant quod voverunt, aliis ad terrae sanctae subsidium singulis secundum proprias facultates diligenter inductis" (PL 216:1262).

⁴³ Brundage, "Crusader's Wife," 434.

⁴⁴ Pott. no. 1469, *Cal.* no. 350 (*Reg. Vat.* 8A, fol. cxxxiii of lost register [lib. 4, no. 144], *Ex multa tuae* [Sept. 1201 in *Cal.*]; Theiner, p. 60, no. 144; X 3.34.9).

⁴⁵ *Ibid.*: "Ad hoc dicimus, quod in tanta quoque necessitate populi Christiani, ne terrae

This innovative papal decision broke with previous canonical tradition.⁴⁶ Such a papal judgment obviously discouraged the use of the couple's sexual powers and jeopardized the parity of sexual rights, particularly those of the wife. James Brundage suggests the military situation in the Holy Land was the major reason and justification for Innocent's decision.⁴⁷

Was there, however, another reason which permitted Innocent's radical judgment? A much later decretal of 1213 sent to Conrad, dean of Speyer,⁴⁸ gave a clearer explanation of the pope's ruling of 1201, and it showed that the earlier decretal was not an anomaly but resulted from his view of conjugal sexual behavior as well as papal crusade policy. The military situation in the Holy Land again seemed of importance to the pope, since he told the dean that crusaders should be persuaded or even compelled to defend Jerusalem. In this context, the pope, replying to the dean's question whether he ought to allow men to take up the cross despite their wives' protests, presented the following argument: since the celestial king was greater than the terrestrial king and the protests of wives did not impede those men who served terrestrial kings,⁴⁹ the wives' objections should not hinder those called to join the army of the celestial king. Innocent further argued that the conjugal bond was not dissolved by this action, but rather marital cohabitation was subject to the vicissitudes of the times and must give way in many cases of necessity.⁵⁰

This papal answer did not mention the earlier possibility of wives accompanying their crusading husbands. Rather, Innocent emphasized that the separation of spouses and the resulting lack of sexual intercourse did

sanctae impediatur subsidium penitus vel diutius differatur, viri praeter uxorum assensum, ut militent regi regum, huius peregrinationis propositum vovere libere valent et quod voverint libere adimplere. Ut autem consentiant, sunt attentius commonendae" (X 3.34.9, ed. Friedberg, col. 595).

⁴⁶ Brundage, "Crusader's Wife," 428-41.

⁴⁷ Ibid., 435. Brundage notes, "Although none of them denied its validity as law, nevertheless the decretalist commentators appeared to be uncomfortable in dealing with this provision of *Ex multa*, as is evidenced by their chary handling of it."

⁴⁸ Pott. no. 4807 (*Reg. Var.* 8, fol. clviii verso-clix recto [lib. 16, no.108/111], *Quod iuxta verbum* [9 September 1213]; PL 216:904-5, ep. 108).

⁴⁹ Ibid. This was not necessarily true, at least according to Orderic Vitalis, *Ecclesiastical History*, book 4 (ed. and trans. Marjorie Chibnall, *The Ecclesiastical History of Orderic Vitalis*, vol. 2 [Oxford, 1969], 218-20), who noted that the canonical requirement of the conjugal debt could force temporal rulers to acquiesce to their subjects' sexual needs. In 1068, William the Conqueror was forced by the demands of Norman wives to let their husbands return to Normandy from an expedition in England so that they could render the conjugal debt. See Brundage, *Law, Sex and Christian Society*, 198 and n. 99, which cites this text.

⁵⁰ Pott. no. 4807 (see n. 48 above): "... cum per hoc matrimoniale vinculum non solvatur, sed subtrahatur ad tempus cohabitatio conjugalit: quod in multis aliis casibus fieri frequenter oportet" (PL 216:905).

not break the marital bond. Thus, the bond formed by the couple's initial consent held, despite the lack of continual sexual expression of the union. The papal discussion here implicitly emphasized the mutual society of marriage. Therefore, in addition to military expediency, Innocent's view of marital sexual relations played a significant role in his decision to circumscribe spousal cohabitation and justified his departure from established canon law.

If Rome believed it could adjust the demands of the sexual debt of the couple, nevertheless, the husband and wife still at least had to possess the ability to render it. There were times when carnal union could not occur, as a result of the impotence of the husband. Sexual incapacity, classed as either permanent and absolute or temporary and relative,⁵¹ had important juridical consequences.

The question of permanent impotence was raised in the case of a woman in the diocese of Siponto who married a man Innocent described as impotent by natural causes (*vir naturae frigidae*).⁵² Since she was incapable of continence, she had taken a young lover. Eventually he "married" her ("eam desponsavit de facto") and they had sexual union. These actions, Innocent emphasized, had taken place *before* the woman charged impotence of the first man in a church court. The archbishop of Siponto, in fact, compelled the youth to leave the woman and swear neither to have her as spouse nor to have intercourse with her while her husband lived. The husband took back his wife but, being ashamed of his impotence, he entered a religious community and died several days later.⁵³

⁵¹ Jacqueline Murray, "On the Origins and Role of 'Wise Women' in Causes for Annulment on the Grounds of Male Impotence," *Journal of Medieval History* 16 (1990): 237–38, and Brundage, *Law, Sex and Christian Society*, 145 and 290–91, note that canonists distinguished two basic types of impotence or frigidity. *Permanent* impotence was the natural congenital incapacity to engage in sexual relations with anyone. *Temporary* impotence was the inability to have sex with a particular partner even though sexual capacity might be regained with someone else. Sometimes impotence was thought to arise from enchantment or sorcery. It could be either permanent or temporary and might be a way of explaining impotence due to psychological problems.

For historical background of impotence as treated by the canonists, see James A. Brundage, "Impotence, Frigidity and Marital Nullity in the Decretists and the Early Decretalists," in *Proceedings of the Seventh International Congress of Medieval Canon Law, Cambridge, 23–27 July 1984*, ed. Peter Linehan, Monumenta Iuris Canonici, Series C: Subsidia, vol. 8 (Vatican City, 1988), 407–23.

⁵² Pott. no. 2166 (*Reg. Vat.* 5, fol. cxix verso [lib. 7, no. 38], *Sicut ex litteris* [1 April 1204]; PL 215:320, ep. 38).

⁵³ *Ibid.*: "... quia [puella] continere non poterat, quemdam juvenem adamavit, et, antequam de impotentia viri quem acceperat apud ecclesiam proclamasset, se ad juvenem transtulit memoratum, qui eam desponsavit de facto, et ipsam carnis commistione cognovit; quod ut ad notitiam tuam pervenit juvenem ipsum ab ea compulisti et juramento firmare, quod eam non teneret, nec tangeret commistione carnali, viro praedicto vivente, a quo non

Certain aspects of the pope's views on permanent impotence are suggested in his description of the case. Absolute natural impotence was a justifiable reason for the annulment of a marriage, but this charge had to be made in an ecclesiastical court and the marriage could only be dissolved by the judges' sentence. The second marriage was invalid since it was contracted *before* the Church proclaimed nullity of the first union on grounds of natural permanent impotence.⁵⁴ The ability to fulfill the conjugal debt did not exist. Permanent impotence was indeed a cause for annulment and the legitimate remarriage of the non-impotent party.

A second letter of 1207 addressed to the abbot of Mauléon concerning temporary impotence had a very different result.⁵⁵ A. de Scobel had married and lived with a woman for a long time without sexual union. William, bishop of Poitiers had therefore annulled the marriage after he received the couple's full confession of the husband's impotence (*frigiditas*). Later, the woman remarried and A. took another wife and consummated this second union. Thus, the abbot asked the pope whether A. should remain with his second wife or return to the first woman. Innocent responded that the bishop had been defrauded *ex post facto* by the couple's testimony and A. should be forced to return to his first wife.⁵⁶

According to the pope's decision, sexual incapacity which proved temporary rather than permanent reinstated the first unconsummated union. Unlike Gratian, Innocent believed that conjugal consent alone rather than consent and coitus established the debt. Since the first marriage was valid, its corresponding sexual debt was also a valid duty for the parties.

MARITAL AFFECTION: SOCIETAL AND SEXUAL DIMENSIONS

So far, for the purpose of analysis, we have divided the marital relationship into its social (nonsexual) and sexual components. This division may seem rather arbitrary and artificial since there is usually a natural mingling of both in the spousal relationship. We would argue that the fusion of the social and sexual is sometimes found in the concept of "marital affection,"

fuerat per sententiam separata. Vir vero primus eam in suam iterato recipiens, prae impotentia verecundus, habitum religionis suscepit, et post dies aliquot exsolvit carnis debitum universae" (PL 215:320).

⁵⁴ See Dauvillier, *Le mariage*, 177; Michele Maccarrone, "Sacramentalità e indissolubilità del matrimonio nella dottrina di Innocenzo III," *Lateranum* 44 (1978): 490–91.

⁵⁵ Pott. no. 3161 (*Reg. Vat.* 7A, fol. xxiii recto [lib. 10, no. 107], *Ex parte tua* [19 August 1207]; PL 215:1203, ep. 107).

⁵⁶ *Ibid.*; see also Dauvillier, *Le mariage*, 177; Maccarrone, "Sacramentalità e indissolubilità," 490–91.

a term which has already been met in some of Innocent's discourse concerning the preceding cases.

What exactly was signified by this term? According to John T. Noonan, the meaning of the phrase "marital affection" has slowly evolved in the civil and canon law. The concept developed in Roman law as a means of distinguishing a conjugal relationship from concubinage and probably meant solely a legal intention to marry.⁵⁷ By the reign of Justinian, however, "marital affection" was defined as the content of the consent to marry another and had acquired an emotional intent rather than a mere legal willing.⁵⁸

The canonist Gratian was heavily influenced by the Justinian concept, but he distinguished consent from marital affection in a way which previous law had not. He defined consent as the acceptance of an individual as spouse, whereas "conjugal affection" indicated the existence of a particular state of mind, a more general emotional intent which established a valid marital union. The phrase designated a "quality of consent" to the other spouse rather than consent to sexual relations or reproduction.⁵⁹ Alexander III further developed the meaning of the phrase in his decretals. He employed "marital affection" in a post-nuptial context to signify the *quality* of behavior which the couple should practice so that one treated a spouse as spouse.⁶⁰ Thus, Noonan concluded, "affection was now . . . an active disposition which the spouses had the duty to cultivate."⁶¹

Moreover, Noonan suggested that Innocent III joined the older definition of the term as the substance of consent with the Alexandrine notion of the quality of spousal conduct.⁶² Nevertheless, of what did this "active disposition" of the spouses consist? The decretals of Innocent demonstrate that "marital affection" was a subtle and malleable phrase which could be used to describe post-nuptial behavior. Further exploration of the specific uses of the phrase in both the contexts of conjugal society and sexual activity is necessary to attain a fuller understanding of its meaning.

Two letters reveal a blending of conjugal society and sexuality in the usage of the phrase "marital affection." This interpretation is supported by the case of Isabel, who claimed that R. of the diocese of Laon contracted

⁵⁷ Noonan, "Marital Affection in the Canonists," 481-82.

⁵⁸ Ibid.; and Sheehan, "*Maritalis Affectio* Revisited," 36-37.

⁵⁹ Noonan, "Marital Affection in the Canonists," 492, 497, and summary on 481 ("quality of consent"); *Decretum*, dictum ad C.29 q.1. See also Brooke, *Mediaeval Idea of Marriage*, 129, who argued that the meaning of this phrase took on "an aura of sentiment and feeling" as it developed.

⁶⁰ Noonan, "Marital Affection in the Canonists," 500-501.

⁶¹ Ibid., 501.

⁶² Ibid., 505 and summary on 481.

legitimate marriage with her but neither provided her with the basic necessities nor rendered the conjugal debt.⁶³ After reviewing the evidence and R.'s denial of the charges, Innocent decreed that a marriage did exist, notwithstanding R.'s later promotion to the subdiaconate. He therefore ruled that R. be compelled to receive his wife and treat her with *marital affection*.⁶⁴ In his decision, Innocent clearly tried to rectify the previous flaws in R.'s behavior and treatment of Isabel. Food, clothing and shelter, *and* the payment of the sexual debt were all aspects of marital affection that had been formerly lacking. Thus, Innocent used the phrase "marital affection" to embrace the rendering of the conjugal debt and the proper nonsexual treatment of the spouse.

The previously discussed case concerning Juliana and her abusive husband W. also suggests a societal and sexual connotation for the term "marital affection."⁶⁵ This papal ruling emphasized the quality of behavior in the marital state, especially the husband's appropriate treatment of his wife in contrast to the violence exhibited to her earlier when she failed to consent to his vocation. Innocent also employed the term "marital affection" in a sexual context by asserting that if the age of the woman could cause her *to commit sexual sin*, the man should receive her and treat her with conjugal affection.⁶⁶ Thus this phrase signified the proper and gentle treatment of the spouse in both a nonsexual context and a sexual context.

The preceding letter hints at the possibility that "marital affection" was synonymous with sexual intercourse, a possibility that is more apparent in two other pieces of evidence. In one case, a woman, B., who had taken a vow of continence, was now suing for restitution of sexual rights, since her husband did not wish to be continent.⁶⁷ Innocent ordered that if the husband could not contain himself he should take back B. and treat her with "marital affection."⁶⁸ In this suit, the element that was lacking between the parties was clearly sexual intercourse.

⁶³ Pott. no. 3584 (*Reg. Vat.* 7A, fol. lxxx recto [lib. 11, no. 204], *Ex litteris dilectorum* [30 December 1208]; PL 215:1518–19, ep. 204): "... intelleximus evidenter quod cum Isabel mulier adversus R. virum suum Laudunensis dioecesis, qui non curabat eidem necessaria ministrare nec maritale debitum exhibere . . ." (PL 215:1518).

⁶⁴ Ibid.: "... mandamus quatenus memoratum R. nonobstante quod post contractum matrimonium se fecit in subdiaconum promoveri, ad recipiendam uxorem suam et eam maritali affectione tractandam . . . compellatis" (PL 215:1519).

⁶⁵ Pott. no. 2470 (see n. 38 above).

⁶⁶ Ibid. (see n. 39 above for text).

⁶⁷ Pott. no. 1069 (*Reg. Vat.* 8A, fol. xxix of lost papal register [lib. 3, no. 104], *Accedens ad praesentiam* [May–June 1200]; Theiner, p. 50, no. 104; PL 216:1265 [from Baluze 1:602]).

⁶⁸ Ibid.: "... mandamus quatenus nisi commoniti continentiam curaverint observare, tu . . . praefatum virum ut eam recipiat et maritali affectione pertractet . . . compellas" (PL 215:1265).

In a second case concerning adultery, a husband handed over his wife to another relative who later married her and had sexual intercourse with her.⁶⁹ Innocent ruled that ideally the woman should observe continence until her first spouse died. If the woman was unwilling to be continent, however, the first husband should be compelled to take her back and treat her with “marital affection.”⁷⁰ The papal decision clearly suggests through the opposition of continence and “marital affection” that the latter phrase meant intercourse.

The phrase “to treat with marital affection” (*maritali eam/eum affectione tractare*) was, however, more than a euphemism for carnal intercourse. Explicit proof concerning marital affection as a special quality which the conjugal sexual activity should possess is found in two other letters. The pope’s letter of December 1203 to Philip Augustus of France deplored his treatment of his estranged wife Ingeborg: Innocent argued that Ingeborg had left her family to marry Philip, so that the two “would be one flesh and conjugal affection would unite the two persons,”⁷¹ and he asked whether she would be given any recompense at all for all the things she left, if the marital debt were not to be rendered to her.⁷² In this description, the pope related two successive ideas: the sexual union of a married couple which should ideally take place and the conjugal affection which should bind them and be expressed in their carnal intercourse.

A second, even more precise, use of “marital affection” to signify the quality of sexual union of spouses is in Innocent’s 1200 letter to the bishops of Oviedo and Burgos. The pope noted that the father of the archdeacon of Oviedo had solemnly and publicly married a woman who had been the wife of a fairly close blood relative. He then copulated with her with marital affection (“*eam maritali affectu cognoscens*”) and begot the archdeacon and other offspring.⁷³ Innocent’s description of the carnal act meant that it not

⁶⁹ Pott., 1182 (*Reg. Vat.* 8a, fol. lxxxix of the lost register [lib. 3, no. 233], *Discretionem tuam in* [November–December 1200]; Theiner, p. 54, no. 233; PL 216:1264 [from Baluze 1:601–2]; X 4.13.6).

⁷⁰ Ibid.: “. . . in continentia maneat donec [vir] prior fuerit via universae carnis ingressus. Quod si forsan ad id induci nequiverit, vir prior redire cogatur ad ipsam et maritali eam affectione tractare” (PL 216:1264).

⁷¹ Pott 2036 (*Reg. Vat.* 5, fol. lxxxxi verso [lib. 6, no. 182], *Utinam labor improbus* [9 December 1203]; PL 215:198–200, ep. 182): “Reliquerat siquidem fratres et sorores, ut tibi matrimonialiter adhaereret, essetisque duo in carne una et conjugalibus uniret affectus binarium personarum” (PL 215:198).

⁷² Ibid.: “. . . si frustraretur debito maritali, . . . nunquid ideo frustrabitur caeteris, nec apud te recompensationem aliquam pro omnibus quae reliquerat obtinebit?” (PL 215:198).

⁷³ Pott. no. 1106 (*Reg. Vat.* 8A, fol. xxxiii of lost register [lib. 3, no. 120], *Ad nostram noveris* [June–August 1200]; Theiner, p. 50, no. 120; PL 216:1271 [from Baluze 1:605–6]).

only was performed in a manner which befitted a spouse but also was of an emotional nature.

CONCLUSION

For Innocent III, the marital relationship was more than the establishment of a bond by consenting parties who were suitable according to the canonical rules. This mutual exchange was only the beginning of an association of man and woman which had far-reaching consequences. The quality of conjugal life was of utmost import and the papal correspondence is marked by expectations, suggestions, and guidelines for its improvement and enhancement in social and sexual terms. Innocent's attitude toward the couple is also one of humanity and compassion, which continues that found in the decretals of his predecessor, Alexander III.⁷⁴ The necessity of spousal maintenance, proper treatment befitting a marital partner, a wife's moral influence on her husband, and her separate moral agency were all areas of conjugal society in which Innocent articulated his position in an attempt to shape spousal relations.

Sexual intercourse was indeed a significant part of marriage and a couple had to possess at least the capacity to exercise their sexual powers and render the conjugal debt. The pope recognized to some extent the parity of sexual rights, the powerful nature of the human sexual drive, and the need to satisfy it within marriage to avoid carnal sin. The canonical concept of the debt directed some, but certainly not all, of Innocent's discussion and analysis of marital sexuality. His decisions showed his readiness to modify the absoluteness of the Pauline debt model and implied, in at least three specific instances, that it was the papal prerogative to override Scripture. Unilateral abrogation of a spouse's sexual rights occurred if sexual sin did not threaten, when there was certain knowledge of an impediment which caused sexual union to be mortal sin, or when necessity such as a crusade demanded. Not only extraordinary military need but also Innocent's view of the conjugal bond and sexual cohabitation were vital factors in the latter innovative decision.

A pope's motivation is often difficult to ascertain and must remain within the realm of speculation. Nevertheless, perhaps Innocent implicitly and

⁷⁴ Alexander's pastoral attitude of compassion and humanity has been emphasized by Brooke, *Medieval Idea of Marriage*, 143, 152–57; Donahue, "Policy of Alexander the Third's Consent Theory," 251–81; and Charles Duggan, "Equity and Compassion in Papal Marriage Decretals to England," in *Love and Marriage in the Twelfth Century*, Mediaevalia Lovaniensia Series 1, Studia 8, ed. Willy Van Hoecke and Andries Welkenhuysen (Louvain, 1981), 59–87.

explicitly related the concept of marital affection to conjugal society and sexuality in order to emphasize both these dimensions of marriage. The phrase "marital affection" was indeed multifaceted when signifying post-nuptial conduct. It could denote proper nonsexual treatment and behavior of one spouse to the other. It was also synonymous with conjugal intercourse; that is, the payment of the debt was a concrete demonstration of marital affection. Finally, it signified the special emotional manner in which the couple were to engage in sexual relations.

The implication for these meanings of "marital affection" is significant. With Innocent's usage of this phrase, the separation between the social and the sexual in the spousal relationship ultimately vanishes. "Marital affection" suggested that an emotional bond, which was social by its very nature since it concerned two individuals, should be present in conjugal relations. Sex was thus more than a procreative duty and conjugal love was the joint result of a couple's sexual and social involvement. Ideally, for Innocent III, sexual intercourse was not divided from affection in the spousal relationship. The spouse was not an object but a partner to whom the other joined in an emotional and carnal union.

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DID THE MEDIEVAL LAITY KNOW
THE CANON LAW RULES ON MARRIAGE?
SOME EVIDENCE
FROM FOURTEENTH-CENTURY YORK CAUSE PAPERS*

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THE implementation of the canon law rules of marriage by the medieval Church has been seen as one of the major turning points in the history of western Europe,¹ and several studies in the last twenty years have treated the development and application of these rules.² As a result, the teaching of the Church on marriage, particularly in England, is well understood and some comparative studies of its development and application have begun to appear. The development of the canonical theory of marriage has been described by James Brundage in a recent book,³ and the development of a papal policy of marriage has been outlined in numerous studies by Charles Donahue.⁴ The translation of the papal decisions on marriage into conciliar and synodal legislation in England has been described in detailed studies by Michael Sheehan,⁵ while the function of the ecclesiastical courts when

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¹ Michael M. Sheehan, "Marriage Theory and Practice in the Conciliar Legislation and Diocesan Statutes of Medieval England," *Mediaeval Studies* 40 (1978): 408–60.

² A number of important studies in this field are listed in Michael M. Sheehan and Jacqueline Murray, *Domestic Society in Medieval Europe: A Select Bibliography* (Toronto, 1990), 5–30.

³ James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987).

⁴ Charles Donahue, Jr., "The Policy of Alexander the Third's Consent Theory of Marriage," in *Proceedings of the Fourth International Congress of Medieval Canon Law, Toronto, 21–25 August 1972*, ed. Stephan Kuttner, *Monumenta Iuris Canonici, Series C: Subsidia*, vol. 5 (Vatican City, 1976), 251–81; "Proof by Witnesses in the Church Courts of Medieval England: An Imperfect Reception of the Learned Law," in *On the Laws and Customs of England: Essays in Honor of Samuel E. Thorne*, ed. Morris S. Arnold et al. (Chapel Hill, 1981), 127–58; "The Canon Law on the Formation of Marriage and Social Practice in the Later Middle Ages," *Journal of Family History* 8 (1983): 144–58.

⁵ Michael M. Sheehan, "Theory and Practice: Marriage of the Unfree and the Poor in Medieval Society," *Mediaeval Studies* 50 (1988): 457–87. The development of the English synodal legislation which allowed the implementation of the Christian ideal of marriage is

dealing with marriage cases has been studied in a classic study by R. H. Helmholz.⁶ In an article published in 1988 Sheehan argued that the ideology of marriage proposed in the ethical teaching of the medieval Church since the third century, allowing former slaves to marry, had penetrated to all levels of society and that even the poorest members of society were willing to stand up for the right of marriage that was allowed them by the Church. This development, he argued, had its origins not only in synodal legislation but also in the ideological indoctrination of church sermons and the establishment of a system of ecclesiastical jurisdiction which gave the Church the means to enforce conformity with its ethical ideals and ensured that ordinary people were aware of the rules of canon law on marriage.⁷

These studies have concentrated on the development of a legal framework around marriage and on the way the courts understood and applied canonical doctrine. In contrast, comparatively little has been written about how these rules affected the laity. In an article from the early 1970s, Michael Sheehan studied the matrimonial litigation preserved in the Ely consistory court register for the period 1374–82 and concluded that a fairly representative cross-section of the fourteenth-century Cambridgeshire population was aware of and used the court, with the possible exception of the highest status groups of that population.⁸ Addressing the important question of variations in litigation patterns as a reflection of social reality, Charles Donahue investigated the marriage litigation preserved by some French courts and compared it to the litigation preserved by their English counterparts. He came to the conclusion that the differences suggested that English parents were less successful than their French counterparts in enforcing their choice of marriage partner for their children.⁹ Donahue's results were questioned by Andrew Finch, who found little support for Donahue's findings in the sources.¹⁰

analyzed in the same author's "Marriage and Family in English Conciliar and Synodal Legislation," in *Essays in Honour of Anton Charles Pegis*, ed. J. Reginald O'Donnell (Toronto, 1974), 205–14; and "Choice of Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage," *Studies in Medieval and Renaissance History*, n.s., 1 (1978): 3–33.

⁶ R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge, 1974).

⁷ Sheehan "Theory and Practice," 484–87.

⁸ Michael M. Sheehan, "The Formation and Stability of Marriage in Fourteenth-Century England: Evidence of an Ely Register," *Mediaeval Studies* 33 (1971): 228–63.

⁹ Donahue, "Canon Law on the Formation of Marriage."

¹⁰ Andrew J. Finch, "Parental Authority and the Problem of Clandestine Marriage in the Later Middle Ages," *Law and History Review* 8 (1990): 189–204. Finch's understanding of the problem has been questioned in a reply by Charles Donahue, Jr., "'Clandestine' Marriage in the Later Middle Ages: A Reply," *Law and History Review* 10 (1992): 315–22.

It is the purpose of this article to investigate another—and to my mind, central—problem in the exploration of the interaction of the laity and the law of marriage in the Middle Ages, namely the extent to which the laity who appeared before the Church courts knew the law that these courts served to enact. The answer to this problem has important implications, not only for the legal historian, but also for those literary scholars who study texts such as Chaucer's *Troilus and Criseyde*, in which a point of canon law can be raised as a problem in the interpretation of the text.¹¹ This article will support the conclusion that H. A. Kelly drew in his discussion of *Troilus and Criseyde*:

... there was an area of ambiguity about [clandestine] marriage, and it was precisely this ambiguity that Chaucer wished to exploit. He could reasonably rely on his readers from their own experience to be aware of the uncertainty that existed in all secret alliances.¹²

With Kelly's statement as a starting point, the question we shall ask is twofold: could a litigant expect a favorable reception of her plea of marriage if it had been contracted with few witnesses,¹³ and did the people who appeared before ecclesiastical courts understand the canon law of marriage to such an extent that a contemporary audience of Chaucer's poem might be sufficiently aware of the intricacies of canon law on marriage to appreciate the fact that Troilus could step forward at any time to claim Criseyde as his wife and thus stop her leaving Troy? To answer these questions, cases have been chosen to show how litigants allegedly behaved *before* they came into contact with the courts, although, of course, some significant actions were taken as a result of the litigants' interaction with the courts.

In this study, I shall concentrate on the information contained in the fourteenth-century York Cause Papers preserved in the Borthwick Institute in York. The York Cause Papers consist of the surviving documents produced in the courts of the Northern Province, whose jurisdiction covered most of northern England from north of the dioceses of Lincoln and Chester

¹¹ I refer in particular to the discussion arising from H. A. Kelly's assertion that Troilus and Criseyde were married (Henry Ansgar Kelly, *Love and Marriage in the Age of Chaucer* [Ithaca, New York, 1975], 217–42). See the review of Kelly's book by Derek Brewer in *The Review of English Studies*, n.s., 28 (1977): 194–97; see also David Aers, "Criseyde: Woman in Medieval Society," *The Chaucer Review* 13 (1978–79): 177–200 (rpt. in *Critical Essays on Chaucer's "Troilus and Criseyde" and His Major Early Poems*, ed. C. David Benson [Toronto, 1991], 128–48), nn. 11 and 17.

¹² Kelly, *Love and Marriage*, 240.

¹³ I am using the feminine personal pronoun on purpose here: two-thirds of the eighty-eight marriage cases surviving in York were first brought before an ecclesiastical court by women.

to the Scottish border. In contrast to material investigated by Sheehan in his article on the Ely act book, they include witness accounts and memoranda of the court which allow the historian to estimate the litigants' understanding of canon law. 256 Cause Paper files, comprising around 800 documents of varying lengths, survive from the fourteenth century.¹⁴ These documents cover all aspects of court business, from procedural documents—such as libels, positions, and interrogatories—to the sentences of the court.¹⁵ The York files also include letters and transcripts of earlier cases from officers appointed by the court to investigate the facts of a case in the field; and, most importantly, they include a large number of depositions heard by the court. Among the 256 Cause Paper files are eighty-eight files documenting litigation over marriages.¹⁶ These eighty-eight matrimonial cases contain the depositions of more than 580 people. The depositions are an unusually vivid collection of narratives told to the court by the witnesses as recorded by the court scribes. Among them we find descriptions of marriage negotiations,

¹⁴ A calendar of the cases has been published by D. M. Smith *Ecclesiastical Cause Papers at York: The Court at York 1301–1399*, Borthwick Texts and Calendars 14 (York, 1988). Archivists in York have referred to the Cause Papers in different ways. Some documents have a letter written on them for reference; others have had an Arabic numeral assigned. Sixteen fourteenth-century marriage cases (CP E 159, 175, 178, 181, 186, 202, 210, 212, 213, 215, 216, 223, 238, 239, 242, and 274) do not have any references at all. In a personal communication Charles Donahue has suggested that one refers to the documents by indicating the Cause Paper Number, a standardized reference to the document's previous designation (letter or numeral), with an additional "a" or "b" to refer to the smooth or the hair side of the parchment. Thus, CP E 245-1b refers to the hair side of document 1 in Cause Paper File E-245. In order to standardize references and avoid confusion over the distinction between smooth and hair side, I have converted any assigned letters to their numerical equivalents: thus, the document marked "d" in CP E 18 is referred to as CP E 18-4. In cases where there are no previous references to individual documents, I propose to use their physical sequence in the file (which is frequently the reverse of their chronological sequence since the last document to be produced in a case would almost always have been the top document before the bundle was finally stitched together, rolled up, and put away). Because the Cause Papers are not numbered in chronological sequence each reference to a document will also be followed by the year(s) when the case was heard in York.

¹⁵ A concise explanation of the kinds of documents produced by the ecclesiastical courts can be found in Norma Adams and Charles Donahue, Jr., *Select Cases from the Ecclesiastical Courts of the Province of Canterbury, c. 1200–1301*, The Publications of the Selden Society 95 (London, 1981), introduction, 37–72.

¹⁶ Calculating the number of marriage cases in the Borthwick Institute, I have followed the classifications found in Smith, *Ecclesiastical Cause Papers*, which lists eighty-seven cases as "matrimonial," "alimony," "validity of marriage," or "divorce" cases, to which I have added CP E 108, a plea of dower transmitted from the king's bench. CP E 12 and CP E 14—which are listed as matrimonial—did not deal with marriage vows when heard in York: CP E 12 is a plea for the payment of a promised dowry to the *pars actrix*'s son after his wife died, while CP E 14 is a dispute over whether Thomas de Colvill had paid alimony to his wife, Margaret Darell, who had previously obtained a *divortium a mensa et thoro*.

nocturnal fights over women, leisure activities, daily work, and events that occurred in the markets or in the courts. They contain stories of domestic happiness and of relationships that went sour; stories about the daily existence of paupers and rich men alike. Even without the sentence of the case they can provide the historian with a rich mine of anthropological detail; and with the sentence the facts of the case can be weighed and the application of the canon law of marriage discussed. The depositions also allow the historian to explore the litigants' motives in bringing their cases before the court and their level of knowledge of canon law on marriage.

I

It is natural that the documents that survive from a court must illustrate the difficulties people had in applying the law to their own affairs. The rules of marriage were complex and sometimes the validity of a marriage depended on sophisticated analyses of the words and actions of the litigants. Richard Helmholz remarks that "ordinary people are simply not as careful with their words as the distinction [between a marriage contracted by *verba de futuro* and one contracted by *verba de presenti*] requires."¹⁷ This statement is true for many cases in the York Cause Papers. But even in the cases that do deal with the validity of marriage vows exchanged without the presence of a priest, the litigants sometimes show a very sophisticated understanding of the law. And at least one party in each case must have known something about the rules of canon law—enough to know that an ambiguous exchange of promises could form the basis of a case at the consistory court—before a case could be heard by the court in York. Such litigants must also have been convinced that they had a chance of winning their case in a court of law. Otherwise it would not have been worth their while spending time and money to prosecute in York.¹⁸

Such basic knowledge is evident in all cases in the Cause Papers, and willingness to prosecute marriage cases is found at all levels of society. Schipyn c. Smyth (CP E 70 [1355]) shows that a woman in the countryside had enough knowledge of canon law to assemble her case quickly and efficiently, even though she might not remember the correct formula for an exchange of marriage vows. Maud Schipyn brought her case be-

¹⁷ Helmholz, *Marriage Litigation*, 37.

¹⁸ Only in the nine surviving *sub poena nubendi* cases can it be argued that the litigants did not know about the law at the time of their first contact with the courts. We shall see, however, that in two of these cases the litigants were clearly aware of the law *after* their encounter with the courts (see pp. 141–45 below).

fore the commissary general in November 1355, at most six weeks after an alleged exchange of vows. She claimed that she had contracted marriage with Robert Smyth on 17 October of that year. On 22 December she brought two witnesses to their union: William Theker and his wife Margaret. These two witnesses agreed about the main events that led to marriage, but Margaret's testimony contains the most detail. She had been "somewhat ill" on 17 October and had stayed home with her husband in the basement of Robert Smyth's house in Bolton Percy:

And she saw through the door of said basement how said Robert pushed and pulled said Maud into his house towards a place which is called *Kowbos* in English, and there he attempted to know her carnally. And then said Maud said, "*Our goddes forbode* that you should have the power to know me carnally unless you will marry me." Said Robert answered, "Behold my oath that if I take anyone to be my wife I shall take you if you will yield to me." Said Maud answered, "Behold my oath that I will be at your disposal." And said Robert took her in his arms and threw her to the ground in *le Kowbos* and knew her carnally.¹⁹

This exchange of vows was even more ambiguous than that between Troilus and Criseyde. Where Criseyde answered, "I am thyn" (*Troilus and Criseyde* 3.1512), Maud Schipyn answered, "Behold my oath that I will be at your disposal." Clearly, she knew that she and Robert Smyth could contract marriage without the help of a priest. She also believed that they had contracted such a marriage, despite the ambiguous form of their exchange. Indeed, according to the rules of most English synods in the fourteenth century, any intercourse subsequent to this oath indicated that Robert Smyth had waived his condition, including the wish to postpone the legal consequences of marriage, and that the union therefore would be held to be valid in a court of law.²⁰ Therefore Maud Schipyn's marriage to Robert Smyth could have been binding.

¹⁹ "... die sabbati ultimo preterito fuerunt viii septimane elapse, ipsa jurata fuit aliquantulum infirma et jacuit secrete super lecto suo in celario dicti Roberti apud Bolton Percy (anglice *in le boure*), et vidit per hostium dicti celarii qualiter dictus Robertus duxit et traxit dictam Matildam in domum suam ad quemdam locum, qui dicitur anglice *kowbos*, et ibi nitebatur ipsam carnaliter cognoscere. Et tunc dixit dicta Matilda, '*Our goddes forbode*, quod tu habeas potestatem me carnaliter cognoscendi, nisi tu velis me ducere in uxorem.' Qui Robertus respondit, 'Ecce fides mea, quod si aliquam ducam in uxorem meam, ducam te, si tu velis esse ad voluntatem meam.' Que Matilda respondit, 'Ecce, fides mea quod ego volo esse ad voluntatem vestram.' Et statim dictus Robertus cepit eam inter brachia sua et misit eam deorsum in *le kowbos* et cognovit [eam carn]a[li]ter" (CP E 70-6 [1355-56]).

²⁰ The rule that subsequent intercourse created a marriage was first formulated in England by Stephen Langton's provincial synod for Canterbury, canon 55 (1213 × 1214): "... quia si talem fidem carnalis copula subsequatur, ecclesia pro matrimonio hoc habebit, et faciet

She quickly followed up her case at the court in York. It started in the month of November and lasted until some time in March the following year. There is no surviving sentence among the Cause Papers in York, so we cannot know whether her claim was successful, but her legal argument could have won her the case. Robert seems to have been so advised and, consequently, concentrated on proving that Maud's two witnesses were somewhere else at the time of the alleged intercourse. Robert Smyth and Maud Schipyn did not exhibit due care over the distinction between *verba de futuro* and *verba de presenti*; but it is clear that Maud Schipyn knew that *words* could make a marriage. She may also have known that a subsequent sexual union made such a marriage legally binding. Her legal problem was that she was not careful enough to make Robert Smyth pronounce the right words and that correct vows were not consciously pronounced *in front of witnesses*.

A more sophisticated example of litigants' knowledge of the rules of canon law is found in a case from the last decade of the fourteenth century. Lovers' talk ending with two statements that were sufficiently close to an exchange of promises to marry formed the basis of litigation in CP E 215 (1394-95). But in this case it is clear from the depositions that at the time of the exchange of words, the man, Thomas de Dale, wished to establish a bond *de futuro* with Margaret Graystones, who eventually sued him at the court of the bishop of Durham to have their marriage enforced. Although the witnesses did not say so, either Thomas was aware that the exchange of vows was *de futuro* or—more likely—he was subsequently forced by parental pressure to marry Emma Corry, a woman they had chosen for him. He certainly did not jeopardize his position as a spouse *de futuro* by having intercourse with Margaret Graystones, despite the desire he expressed for her.

The case was initiated by Margaret Graystones, who had Thomas de Dale cited before the bishop of Durham in 1394. Their case was transmitted on appeal to the court in York in early 1395. The alleged marriage had been preceded by some talk of espousal, but hardly the kind of detailed marriage negotiations which occurred in some of the cases we will investigate later.²¹ Thomas de Dale had gone to the house of his uncle, Thomas Cokefield, on Sunday, 3 March 1394. There they were joined by Margaret Graystones. But it was not until the evening when everyone had gone to bed that Thomas and Margaret had the opportunity to talk seriously about marriage. Emmota, Thomas's aunt, explained what happened:

tanquam matrimonium observari" (Sheehan, "Marriage Theory and Practice," 413, with text in n. 24; also 429-30).

²¹ For an analysis of some cases which involved detailed marriage negotiations, see pp. 126-29 below.

And when night fell, said Thomas and the husband (of the witness) went into one bed and this witness and said Margaret went to another bed. But said Thomas got up from her husband's bed and came naked into their bed [wearing only his] breeches, and he said to said Margaret, "By my faith, I wish that you and I had the same thing in mind!" And Margaret responded, "What is on your mind?" To which Thomas said, "In faith, the thing that I want to speak about is as far away as the width of two hands of a man, namely between your heart and my heart." To which Margaret answered, "What is in your heart?" To which Thomas answered, "In faith, in the future when I plan to have a wife, I intend to take you as my wife." To which Margaret answered, "I am an exceedingly poor wife for you because I do not have enough possessions to match your wealth." To which Thomas said, "I will make you the mistress of the goods I have, and [I shall teach you] to look after them if you do not know." To which Margaret said, "I would gladly learn." And then Thomas said, "It is a wonder that a man must make a woman understand such intimate things about his heart and will, and that he knows nothing [about the feelings] of the woman."²²

Thomas and Margaret continued their conversation along these lines, declaring their love for each other, until they finally exchanged words that constituted a marriage by *verba de presenti*.²³ Thomas left the bed after this exchange and they did not have intercourse that night. Emmota Cokefield claims that intercourse took place some five weeks later, but only

²² "Et in nocte dictus Thomas et maritus inierunt unum lectum et ista testis et Margareta in alium lectum. Surrexit vero Thomas predictus de lecto mariti sui et veniebat in lectum earum nudus [. . .] bractis suis, et dixit predictae Margarete, 'Per fidem meam, vellem quod tu et ego essemus in uno, et eodem proposito.' Et respondit Margareta, 'Quod est propositum vestrum?' Cui Thomas dixit, 'In fide, propositum de quo intendo loqu[i] est] in latitudine duarum palmarum hominis, videlicet inter cor tuum et cor meum.' Cui Margareta dixit, 'Quid est in corde vestro?' Cui Thomas respondit, 'In fide, in posterum cum intendo habere uxorem propositum meum [est ducere te i]n uxorem.' Cui Margareta dixit, 'Sum nimis pauper uxor pro vobis quia non habeo bona sufficientia facultatibus vestris.' Cui Thomas dixit, 'Bonorum que habeo faciam te magistrum et si nescivis [docebo te] regulare illa.' Cui Margareta, 'Libenter addiscerem.' Et tunc dixit Thomas, 'Mirabile est, quod vir facere debet mulierem scire tam intima de corde et voluntate suis, et quod ipse nichil sci[t de voluntate] mulieris' " (CP E 215-2 [1392-94]).

²³ "Cui Margareta respondit, 'Ad quid sciretis plus de corde meo quam vos scitis, quia, si intima cordis mei scrutemini et sciretis ea, in posterum me dirideretis et declinare velitis a materia de [aspiratione] mea.' Cui Thomas dixit, 'Per fidem, Margareta, hoc nunquam faciam, quia, per fidem, nullam mulierem in ista patria tantum diligo habere in uxorem sicut te, si in tanto diligeres me habere in maritum [tuum]. Et Margareta respondit, 'Per Christum diligo vos habere in maritum meum ultra omnes homines in patria ista sicut et vos me econtra.' Cui Thomas, 'Margareta dicis tu verum?' Et ipsa Margareta respondit, 'Ita, in fide mei.' Cui Thomas dixit, 'Hoc vellem ego.' Cui ipsa, 'In fide sic facio.' Cui dixit Thomas, 'Margareta, placet mihi, per fidem meam, habere te in uxorem meam.' Et ipsa respondit et dixit, 'Placet mihi habere te in maritum meum.' [Et postea osculabantur] multotiens" (CP E 215-2 [1392-94]).

once. She is the only witness to this exchange of vows which had set up a marriage by *verba de presenti*. Her husband did not testify in court. Margaret Graystones' reply, "I am pleased to have you as my husband," is close to Criseyde's "I am thyn," and it formed the basis for Margaret's litigation in Durham. The evidence of Emmota Cokefield and the evidence of neighborhood rumor of the existence of marriage was the basis on which Margaret Graystones won her case in Durham. But Thomas—or his family—tried to block the marriage by further litigation in York.

Despite Thomas's assurances to the contrary, he did find another, more suitable wife only two weeks later, or his family found her for him. She was called Emma Corry. This time Thomas entered into a public marriage after negotiations had occurred and after a celebration of the engagement in Emma Corry's father's garden on 20 March 1394. The marriage settlement called for the payment of 20 marks as a dowry, and the parties swore that they did not have rights (*jus*) to any other partner. Banns were read in the parish church of Stayndrop on three consecutive Sundays before marriage was celebrated in front of the doors of the church early in the morning of the Wednesday after Easter (10 April 1394). One witness added that he believed that Thomas and Emma had agreed to marry even before negotiations were initiated.

But the witnesses were clearly aware that the marriage between Emma Corry and Thomas de Dale was not without its legal problems. All three of them describe the marriage negotiations of 20 March in great detail, telling the court where they took place, who was present, and that the parties' exchange of vows was guided by the chaplain John Alwent, a kinsman of Thomas. They also named a chaplain who published the banns between them—Master William Horne, a chaplain of the parish church of Stayndrop—and supplied the names of the people who had witnessed the solemnization. However, when they were pressed to answer the question of who had presided over the marriage solemnization and at which church the rites were performed, they refused to answer the court.²⁴ If they had named the

²⁴ The deposition of John Helcott reads "Non tamen vult exprimere, ut dicit, in quo loco nec in qua ecclesia huiusmodi matrimonium fuit contractum nec quis capellanus solemnizavit matrimonium predictum." The witness John Corry, who claimed not to be Emma's kinsman, "having been diligently examined, did not care to say" ("diligenter examinatus non curat exprimere") who or where. A final witness, Henry Caberry, also refused to answer the question: "sed in quo loco vel ecclesia nec quis presbyter solemnizavit matrimonium predictum non vult deponere, ut dicit" (all three depositions are contained in CP E 215-8). I have not come across any other cases in which the witnesses so clearly refused to say where the marriage was celebrated or by whom. These witnesses certainly knew that something was wrong with the contract.

Two people are likely candidates as the priest who officiated over the solemnization:

priest and the marriage of Thomas and Margaret was declared valid, the priest who officiated over the marriage of Thomas and Emma Corry was liable to be suspended from his office. That this was not an idle threat is seen in the case of Master Ivo Lardmand, who was suspended for three years for presiding over the marriage of Peter and Katherine Hiliard (CP E 108).²⁵

There can be little doubt that the marriage to Emma Corry was more advantageous financially. This can be seen from Margaret Graystones' surprised protestations when Thomas proposed to her and by her admission of her inability to look after his estate. She also initially appeared before the official in Durham without the advice of an advocate and presented her libel orally, which may indicate that she was not able to pay for the advice of a proctor before initiating the case. Emma Corry, on the other hand, brought with her a dowry of 20 marks. If we are to believe the evidence of Emmota Cokefield, Thomas's marriage to Margaret had not been conditional. Thomas's aunt also testified that she believed that Thomas and Margaret had intercourse once. But her testimony was not confirmed by anyone else. Thus, if the outcome of the case were the same as in other cases in York where there was only one witness to a marriage contract, the court in York would have passed sentence for Thomas and Emma Corry. However, circumstantial evidence, which included three witnesses heard for Margaret, supported the presumption of marriage in the neighborhood. The court in Durham had held for a marriage between Thomas and Margaret Graystones. A sentence from the consistory court in York is not preserved among the Cause Papers, but we may speculate that the fact that Thomas's three witnesses refused to name the officiating priest undermined his case to such an extent that it was decided to abolish it before the sentence.

Graystones c. de Dale shows that ordinary people could have real difficulty in understanding the intricacies of canon law rules of marriage. But the litigants knew that they *could* contract marriage with their words. Thomas de Dale seems to have believed that his contract with Margaret Graystones was a contract by *verba de futuro* which could be broken in accordance with the rules of canon law. However, there was enough evidence to support a sentence by the court of Durham in favor of marriage until Margaret Graystones' plea was contradicted by that of Emma Corry in York.²⁶ It

John or Adam Alwent. Both were Thomas's kinsmen, both were chaplains, and both were present at the marriage negotiations between Thomas's and Emma's parents.

²⁵ This punishment is in agreement with the synodal legislation in force at the time; see Sheehan, "Marriage Theory and Practice," esp. 427-29. For the details of CP E 108, see pp. 138-40 below.

²⁶ The special commissary of the bishop of Durham, Master John Hakkethorp, passed sentence for marriage between Margaret Stayndrop and Thomas Graystones. According to

is even possible that the case was settled out of court: if the officiating priest was one of Thomas's two kinsmen he would be in grave danger of suspension. The case was thus in a deadlock: Thomas's side in the case may have decided not to risk the career of one of their family to prove the solemnization of the more advantageous marriage to Emma Corry.

II

It can be argued that a proctor who was familiar with canon law could have instructed witnesses on what to say and how to say it before they gave their testimony in these cases. Although the depositions do not usually allow us to judge whether they are actually telling the truth, there are some exceptions. Two examples will be examined here. One case recorded the immediate physical reaction of a witness, the other included the testimony of a mentally retarded witness, which makes it unlikely that the witness *could* be instructed.

The first case shows the immediate reaction of a witness to the news that her mistress' daughter was about to marry a man she knew the family disapproved of. The witness' reaction is a haphazard detail which presumably added to the perceived veracity of her statement. But it also undermined the usefulness of her deposition to the litigant who produced her in court: by her actions the witness prevented herself from overhearing a *mutual* exchange of marriage vows.

Margaret Foxholes, who appeared for Agnes of Huntington in a phenomenally complex case preserved in CP E 248 (1345), was clearly distressed when her employer's stepdaughter, Agnes Huntington, tried to force her to witness an exchange of vows with John de Bristoll, a citizen of York. Margaret Foxholes was the matron of Hamo de Hessay's household in Mullbery Hall in Stonegate, York. She was originally employed by Agnes's widowed mother around 1335 "to carry her keys." She had the responsibility for the keys of the house for four years, and while she served in the household she also shared Agnes's bed.²⁷ She explained to the court that on

the surviving *processus* sent to York by the Durham court, this sentence was based solely on the first-hand evidence of Thomas's aunt, Emmota Cokefield, and on the evidence of another witness who reported that there was neighborhood rumor to the existence of a marriage. It was only at the appeal stage that Emma Corry claimed Thomas in marriage at the court in York.

²⁷ "... et dictam Agnetam primo novit ad festum Pentecostem ultimo preterito fuerunt decem anni elapsi, pro eo quod tunc venit ad matrem dicte Agnete, cum qua stetit, ei deserviendo et claves suos portando, circa quatuor annos tunc proximo sequente. Et per

a Monday around Carniprivium 1339 she had gone to see why the door to the *Sandhous*, which stood in the garden facing *Grapcuntlane*,²⁸ was not locked. There she found Agnes and John embracing each other:

The witness said to Agnes, "Alas, alas, what are you doing here?" To which Agnes answered, "This past night you told me off for a deed of mine. Now you will see what will be done and settled." Said Agnes took said John by his right hand, saying thus, "Here I take you, John, son of John of Bristoll, as my man, to have and to hold, for better or for worse, for fairer and for grimmer for the duration of my life, and to this I give you my pledge."²⁹

From other witnesses in the case we know that Agnes's mother and her stepfather were violently opposed to her marriage to John de Bristoll, so Margaret was now caught in a conflict of loyalties between her employer and the girl with whom she shared her bed. Her first reaction was to turn around and flee from the scene. John tried to stop her and caught hold of her, saying, "Wait, hear some more!" But Margaret replied, "No, by Saint Mary, I am distressed that I heard as much as I heard," and walked away from the *Sandhous*. Agnes ran after her and pleaded with Margaret "with her arms raised in the air." In the end she persuaded Margaret to return and listen to what John de Bristoll had to say. Standing at the door of the *Sandhous*, John said,

"Agnes, behold my oath that if your *amici* do not give me one penny I hold myself satisfied to have you as my wife." To which said Agnes said, "I shall have that which my father left me to use with the enemies of my *amici*."³⁰

totum tempus quo dicta Margareta stetit in servicio [illa] et prefata Agneta singulis noctibus in uno lecto simul jacuerunt aliquando apud Ebor' et aliquando [apud] Huntingtoun juxta Ebor'" (CP E 248-23 [1345-46]).

When a witness admitted to being a *socia in lecto* it usually meant that she claimed to have a detailed knowledge of the inner life of her bedfellow. In CP E 259, the case of Nicholas Cantilupe and Katherine Paynell, the witness Margaret Halgton made this clear to the court: "Preterea dicit quod a tempore quo dicta Katherina fuit subtracta a uberibus matris sue et quasi singulis noctibus ipsa Katherina fuit consortia istius juratae in lecto et ideo voluit revelare sibi omnia secreta sua, ut dicit . . ." (CP E 259-16 [1368]); see also CP E 89.

²⁸ The present-day Grape Lane.

²⁹ "... ibi invenit dictos Johannem et Agnetam simul stantes et brachiis suis adinvicem amplectantes, cui Agnete ipsa jurata sic dixit, ut dicit, 'Heu, heu, quid facis hic?' Cui ipsa Agneta respondit, 'Hoc exsterna nocte redarguisti me de uno facto. Iam videbis quod erit factum et statutum.' Ipsa Agneta cepit dictum Johannem per manum dexteram, sic dicendo, 'Hic accipio te, Johannem filium Johannis de Bristoll, in virum meum habendum et tenendum, pro meliori et peiori, pulciori et deformiori ad terminum vite mee et ad hoc do tibi fidem meam'" (CP E 248-23 [1345-46]).

³⁰ "Statim post prolationem dictorum verborum per prefatam Agnetam ipsa jurata a prefata domo incepit recedere, et tunc idem Johannes cepit dictam juratam per gremium

Thus, in the end, Margaret Foxholes did not witness a *mutual* exchange of vows. Agnes, however, brought many other witnesses who had been present at a later ceremony in the parish church of All Saints', Pavement, in York. Thus Margaret's testimony was only used to substantiate the presumption of marriage, not the actual existence of it.³¹ Margaret certainly understood the implications of the actions of Agnes and John, and she was unwilling, as the events unfolded, to be used as a witness to their vows. It is significant that Margaret walked away towards the house halfway through the exchange of vows: she seems to have known that if she did not hear *reciprocal* vows her testimony would only support the allegation that there was neighborhood rumor to the marriage. All three actors in this incident were clearly aware of the rule that marriage could be established without the participation of a priest, and Margaret Foxholes was keen not to be used as a pawn in the couple's conflict with Agnes's parents.

The other instance in which we can dismiss the possibility that a witness was coached is in CP E 92 (1366-67). The witness William Bridesall demonstrated that he knew the basics of the canon law rules for marriage, despite the fact that he was "more stupid than wise," to use one witness' description of his mental capacities. William Bridesall was heard by the court as a witness for Alice Redyng, the plaintiff. By his own description he was a beggar and a day-laborer during the harvest season. According to Alice Redyng's opponent, John de Boton, he was a drunkard and a beggar ("ebrius et mendicus"). William was one of two witnesses to overhear an exchange of vows *de presenti* between John de Boton, a chapman, and Alice Redyng in the village of Scamston.

et dixit ei, 'Expecta, plus audies.' Cui ipsa jurata respondit, 'Non, per sanctam Mariam, penitet me quod tantum audivi quantum audivi,' et sic ipsa jurata a prefata domo recessit et Johannem et Agnetam supradictos in prefata domo solos dimisit. . . . Et dicta Agneta sequebatur eam et elevatis manibus dixit sic: 'Margareta, rogo vos, vadatis ad ostium aule et loquamini cum dicto Johanne.' Et statim ipsa jurata adivit ostium predictae aule versus stratam regiam in Petergat Eboracensis et ipsa Agneta ea (*sic*) sequebatur prefatam juratam. Et statim cum venissent prefate Margareta et Agneta ad dictum ostium, dictus Johannes de Bristoll intravit per idem ostium et cepit dictam Agnetam per manum dexteram, sic dicendo: 'Agneta, ecce fidem meam si amici tui non dederunt michi unum denarium (*sic*) in bonis, ego reputo me contentum de te ad habendum in uxorem meam.' Cui ipsa Agneta respondit, 'Hoc quod pater meus michi legavit habebō in uti (*sic*) ininiis (*sic*) amicorum meorum'" (CP E 248-16 [1345-46]).

³¹ The inclusion of her testimony was in great part due to the fact that she happened to be in York on a day when her testimony could be taken down: "dicit quod ob aliam causam venit ad civitatem, et tempore quo venit ad eam nescivit de [. . .] istius cause antequam fuit citata ad perhibendum testimonium veritati in causa predicta" (CP E 248-16 [1345-46]). Her testimony was taken down on a separate piece of parchment which was sewn on to the testimony of eleven other witnesses heard for Agnes before the whole roll containing the depositions was presented to the court.

Alice Redyng had brought the evidence of William Bridesall and Thomas Foulter to prove that she had exchanged vows with John on 27 December 1366. John, who was the nephew of their landlady, had been conducting a long-lasting love affair with Alice Redyng. On that particular day the two had gone into a tannery in the house to discuss their relationship. William Bridesall overheard Alice Redyng press John for a commitment to marry her:

“John, you should not tell me anything except what you will observe, because I have been deceived before. And if you want me as your wife, tell me.” And to this John answered, “Truly, yes, I want to have you as my wife. And behold my oath: I shall take you as my wife.” And then Alice said to said John, “*Placet* (or in English, *I vouchessauf*) what you said then. And I want to have you as my husband.” And both of them bound themselves, one to the other, to do so by their oath.³²

Thomas Foulter overheard the same exchange standing in the door to the tannery. He added that when he and John de Boton had some wine together in Scarborough only three weeks before the witness gave his evidence, John had sworn that he had had sex with Alice Redyng. On the same occasion John had attempted to make Thomas promise not to give evidence about the exchange of vows between himself and Alice. Thomas, however, had admitted this in confession, and his confessor had enjoined him to go to the court and give evidence on pain of excommunication.³³

Legally, the case was simply about a vow to marry, contracted by *verba de futuro* with subsequent intercourse. John de Boton concentrated his defense on the reliability of Alice's witnesses. He claimed that William Bridesall was not *compos mentis*. Five of John de Boton's six witnesses

³² “Et die sancti Johannis apostoli . . . predicti Johannes et Alicia stabant infra bercariam dicti Ricardi modicum infra hostium et ipsa Alicia tunc dixit prefato Johanni: ‘Johannes, non dicas mihi aliqua nisi ea quae velis servare quia ante hoc tempora ego fui decepta. Et si velis habere me in uxorem tuam, dicas mihi.’ Et cui ipse Johannes respondit, ‘Fideliter, sic. Volo habere te in uxorem meam et ecce fidem meam, ego ducam te in uxorem meam.’ Et tunc ipsa Alicia dixit, ‘Johannes, placet (anglice *i vouchessauf*) quod tunc dicis. Et ego volo habere te in maritum meum.’ Et uterque eorundem alteri ad hoc faciendo astrinxerunt fide sua” (CP E 92-13 [1366–67]).

³³ “Dicit ulterius requisitus quod dictus Johannes Botoun die sancti Thome . . . ultimo preterito fuerunt tres septimane elapsi et iste juratus simul potaverunt vinum in quadam camera bassa infra septa fratrum minorum de Scardeburgh’ situata, sedentes super quodam lecto. Et dictus Johannes rogavit istum juratum quod non revelaret alicui verba matrimonialia in dicta bercaria, ut prefertur, per eum prolata et quod iret ad fratrem Thomam de Essay de ordine minorum pro confessione habenda eo quod non revelaret predicta verba. . . narravit sibi omnia premissa in confessione et dictus frater dixit isto jurato quod si non revelaret premissa esset excommunicatus et injunxit isto jurato quod non deberet premissa ullo modo tacere” (CP E 92-13 [1366–67]).

concentrated on this issue. The witnesses disagreed about the extent to which William Bidsall was to be characterized as mentally deficient. Robert Webster, for example, said that William was a "faithful and discerning man" and that he liked an occasional drink,³⁴ whereas Galfridus Raynston explained that William was "more stupid than wise" and that he had often seen him beg for bread from door to door.³⁵ Although they drew different conclusions about William Bidsall's reliability as a witness from the incident, these witnesses and John, son of Ralph de Pobethorp, also told the court of an occasion the previous autumn when William got so drunk that, having lost his overcoat, he had to be conducted to his home.³⁶ William Bidsall was thus considered to be a simpleton by every witness to his reliability. But despite this disadvantage, the court accepted his testimony that he was present at an exchange of vows.

In view of the fact that four witnesses testified that William was mentally retarded, it may be argued he was unaware he was overhearing a valid promise to marry and that he might have been instructed on how to testify. Three elements in his deposition imply that this was not the case. In the introductory preamble to his deposition (which usually told the court who the witness was, what his social position, age, and income were, and that he was not a biased witness), he openly declared that he hoped that Alice would win her case "because he believes that she has justice in favor of her in her case."³⁷ In his deposition about the exchange of vows in the tannery, he was also at pains to point out that "both of them bound themselves, one to the other, (to marry) *by their oath*," which shows that he knew that such an oath had an impact on the case. Finally, he claimed to have overheard another exchange of vows two days later in the garden

³⁴ "Dicit quod Willelmus de Bidsall reputatur homo fidelis et decernis. Quod iste juratus novit in persona eiusdem Willelmi est quod est mendicus et aliquando vult inebriari. Et utrum aliunde sit mente captus vel non nescit iste juratus, ut dicit" (CP E 92-5 [1366]).

³⁵ "Dicit quod novit Willelmum de Bidsall per aspectum corporis et reputat eum potius stultum quam sapientem quem sepius vidit ostiatim mendicare panem in parochia de Killyngtoun' sed nescit si corruptus vel informatus protulit suum testimonium in presenti causa" (CP E 92-7 [1366]).

³⁶ "Dicit quod notorium est quod dictus Willelmus de Bidsale querit panem suum ostiatim mendicando, quem iste juratus novit per annum elapsam, et non vidit ipsum aliquam stultitiam medio tempore facere nec audivit, excepto quod fuit ita ebrius die Omnium Sanctorum ultimo preterito quod amisit armilansam suam" (CP E 92-7 [1366-67]). The witness Richard Pebete said that William Bidsall was generally sober, "excepto quod die Omnium Sanctorum ultimo preterito vidit eum ita ebrium quod non potuit ire solus de loco in quo fuit ad hospitium suum nisi cum auxilio istius jurati et aliorum" (CP E 92-5 [1366-67]).

³⁷ "... vellet quod optineret in causa, eo quod credit quod habet justitiam in causa pro ea ..." (CP E 92-13 [1367]).

of the house. The case is not strengthened by this event (there were no other witnesses to substantiate it). If anyone wished to instruct him in such a way as to help their case, it would have been enough to instruct him how to testify about the first exchange. Instructing him on a second exchange would have added immeasurably to the complexity of the task of instruction with no perceivable benefit to the case.

Thus, it is safe to conclude that the deposition is a true expression of the way William understood canon law on marriage. He understood that marriage could be contracted by two people without the participation of a priest and that he had twice been present at an exchange of marriage vows. Whether he understood the difference between *verba de presenti* and *verba de futuro* is impossible to say from his deposition. The York consistory court never asked a witness for his or her legal opinion. Instead, depositions describe only those words or actions in the case which may have had legal consequences.

III

One way to avoid the uncertainty of a private exchange of vows was to make sure that a priest or notary public was present at the negotiations, or was summoned to overhear the exchange of vows. This ensured that the words used instituted the desired kind of union. A priest or notary public was called as a witness in twenty cases among the fourteenth-century Cause Papers. Often these priests and notaries prompted the parties with the words for their marriage, celebrated Mass after the couple had exchanged vows, or were simply present at the subsequent wedding feast.³⁸

But even the presence of a priest did not ensure that a case would not be appealed to the courts. The presence of a priest at her marriage negotiations probably saved Alice Brathewell of Doncaster from an undesired marriage to William Dowson, who had come to stay at her inn in 1391. Her case was heard in York as a *causa matrimonialis et divortii* because she claimed to have contracted a legally binding marriage to a man called William Roger from Pontefract. Here we shall concentrate only on the events that lead to her alleged marriage to William Dowson, who produced two of his servants as witnesses. Alice Brathewell said that William's servants were lying. She admitted that she had conducted marriage negotiations with William but alleged that nothing had come of them. In her defense she

³⁸ CP E 15, 25, 36, 62, 71, 82, 89, 102, 106, 108, 114, 126, 150, 188, 202, 211, 215, 248, 257, and 259.

also argued that soon after the alleged contract she had contracted a binding marriage with William Roger. The details of the case are as follows.

William Dowson rode into Doncaster on Wednesday, 11 May 1391, where he stayed at Alice Brathewell's inn. He decided that she might be the right woman to approach with a proposal of marriage, and he let his two servants, John Bukton and John Clerk of Grenhale, conduct the marriage negotiations for him. John Clerk of Doncaster, who appeared as a witness for Alice Dowson, explained to the court that

... after dinner said John Bukton declared to said Alice that said William Dowson was a very rich and fitting husband for her, inducing and enticing said Alice to contract marriage with said William as well as he could, when she declared that it was not her intention to have a husband within a year from the time of her husband's death.³⁹

Although Alice showed an interest in continuing the negotiations, William's witnesses did not say that she agreed to marriage on this occasion. Instead, she wanted to have another meeting in which they would decide when and whether to get married. Her neighbors intervened at this point: they felt that having William stay with Alice while they were conducting marriage negotiations was not proper, so he was made to move to another house in Doncaster.⁴⁰ The neighbors' move may have been motivated by a desire to protect her from subsequent litigation. By their actions the neighbors made it much more difficult for William Dowson to argue that he and Alice Brathewell had intercourse after the marriage negotiations.

Marriage negotiations were continued on the following day in a croft belonging to Alice Brathewell, and the question whether these negotiations ended in a marriage *per verba de presenti* or *per verba de futuro* was crucial to the outcome of the case. Alice's witness, John Clerk of Doncaster decried Alice's position to the court. John Bukton, he said, tried "in every possible way and manner he could" to persuade Alice to marry William Dowson. Although he was present, William kept in the background and let his servant conduct negotiations for him. Alice had said she was concerned about her reputation in Doncaster:

³⁹ "... et post cenam dictus Johannes Bukton asseruit dicte Alicie quod Willelmus Dowson predictus fuit multum dives et potens ac competens maritus pro ipsa, inducendo et allitiendo dictam Aliciam quatenus potuit ad contrahendum matrimonium cum dicto Willelmo, ipsa Alicia respondente quod non fuit intentionis sue habere maritum infra annum a tempore mortis mariti sui . . ." (CP E 188-6 [1391]).

⁴⁰ "Et ideo propter vitandi (*sic*) scandalum dicte Alicie predicti burgenses ville de Doncaster' fecerunt dictum Willelmum recedere de hospitio dicte Alicie et providederunt sibi in alia parte villa (*sic*) de hospicio aliunde, ut dicit iste juratus" (CP E 188-6 [1391]).

... and after great fuss had been made of said Alice, Alice herself answered that the matrons of the village of Doncaster and her other neighbors would reproach her if she were to contract marriage so thoughtlessly to a stranger whom she did not even know before, in the presence of said William Dowson, Master John Maltby, a chaplain, John Clerk of Grenhale, and this witness.⁴¹

John Clerk of Grenhale, who assisted in the negotiations for William Dowson, insisted that Alice and William had not only contracted a valid marriage on this occasion, but that they had accompanied the exchange with an exchange of kisses while holding hands and that the whole party had immediately gone to Thomas Taverner's inn to drink ale. There, John Clerk of Grenhale said, Alice had admitted the existence of a contract in front of witnesses.⁴² Alice argued that she had only agreed to consider the offer of marriage and told John and William that she would give her final answer six weeks hence.⁴³ But William and John were not satisfied with this outcome and returned later the same day to put further pressure on Alice to give an answer before the six weeks were up:

And after a small interval of time said William Dowson and John Bukton came back after they had left and with great persistence succeeded in reducing the said term of six weeks to one month by the consent of said Alice, in the presence of this witness, John Clerk of Grenhale, [and] Master John de Maltby, a chaplain, in the words of this witness.⁴⁴

⁴¹ "... et post magnam instantiam dicte Alicie factam, ipsa Alicia respondit quod matrone ville de Doncaster' et alii vicini sui multum de ea obloquerentur si ipsa contraheret matrimonium ita indeliberate cum uno extraneo cuius notitiam nuncquam prius habuit, presentibus Willelmo Dowson predicto, domino Johanne Maltby cappelano, Johanne Clerk de Grenhale et isto jurato" (CP E 188-6 [1391]).

⁴² "Ad primum articulum dicit quod ... in quodam stabulo infra mansum dicte Alicie in villa de Doncaster', contraxerunt dicti Ricardus et Alicia stantes sub hac forma, viro tenente mulierem per manum dexteram et dicente, 'Hic accipio te, Aliciam, in uxorem meam et ad hoc do tibi fidem meam,' muliere econtrario respondente, 'Hic accipio te, Willelmum, in virum meum et ad hoc do tibi fidem meam,' et traxerunt manus et osculabantur adinvicem presentibus isto jurato, Johanne Bukton, conteste suo, et Henrico Herthom, et tunc incontinentes accesserunt ad domum Thome Taverner, vicini sui, et biberunt cervesiam. Et ibi audivit dictam Aliciam recognoscere et fateri huiusmodi contractum matrimonialem in presentia dicti Willelmi, presentibus isto jurato, Johanne Bukton conteste suo, Henrico Herthom et aliis de quorum nominibus non recolit. Item requisitus dicit quod audivit dictum Willelmum et Aliciam tantum unica vice contrahere" (CP E 188-12 [1391]).

⁴³ "... predictus Johannes Bukton, Willelmus, et Alicia statuerunt terminum sex septimanarum proximo tunc sequente ad habendum finale responsum ipsius Alicie de matrimonio inter dictum Willelmum et Aliciam contrahendo" (CP E 188-6 [1391]).

⁴⁴ "Et post modicum temporis intervallum dictus Willelmus Dowson et Johannes Bukton—post recessum ipsorum—redierunt et cum magna instantia dictum terminum sex septimanarum de consensu dicte Alicie usque ad unam mensem abbreviari optinuerunt, presentibus isto jurato, Johanne Clerk de Grenhale, domino Johanne de Maltby, cappelano, ut dicit" (CP E 188-6 [1391]).

The commissary general's court in York held with Alice Brathewell and decided that a binding marriage had not been established at these negotiations. The court disregarded the depositions of William's two witnesses who claimed that a valid marriage had been contracted. Alice had argued that William's witnesses were unreliable since they were his servants. The court based its decision on Alice's three witnesses, one of whom was a priest and one of whom was a cleric of unspecified status.

Thus we have a number of actions which show that Alice Brathewell was familiar with canon law. Her neighbors' provision of another place for William Dowson to live during the marriage negotiations indicates that they were familiar with the rule that subsequent intercourse created a binding marriage. She lived in a neighborhood where there was ready access to a priest and took the sensible precaution of employing this priest to be present when she conducted her marriage negotiations. In the end, her precautions saved her from a marriage she did not want.

IV

So far, cases have been chosen to demonstrate that the litigants had a knowledge of the basic facts of canon law rules of marriage. Both litigants and witnesses knew that words could establish a marriage, and they also knew that the quality of the words affected their legal consequences. But some litigants showed a more sophisticated understanding and used the law for their own ends. Three cases will be considered, each demonstrating a different use of the law. The first case shows how a young couple used the court in York to enforce a marriage opposed by the couple's parents, the second shows how a plaintiff used the rules of consanguinity to procure an annulment of his marriage, and the third shows an unusual and original solution to the problem of how a man could promise to marry a woman only if she conceived a child.

By necessity, the litigants in marriage cases among the Cause Papers must always appear to be antagonistic. No *ex officio* litigation is preserved in the Cause Papers, so a case always presents two litigants in an adversarial situation. But a closer reading of the documents preserved among the Cause Papers makes it clear that in some cases litigants may not have been the real adversaries at all. Instead, the antagonism is often between the litigants and their parents, with the litigants using the courts to force their parents to acknowledge the legitimacy of a marriage they were reluctant to approve. An example of such a case is Lovell c. Marton (CP E 18) from 1328.⁴⁵

⁴⁵ The present analysis is based on a reading of all the surviving documents of the case,

The case concerned the alleged marriage of Elizabeth Lovell, daughter of Sir Simon Lovell, to Thomas, son of Robert Marton. Elizabeth Lovell appeared as the *pars actrix* in the first instance in the court of York, which seems to have been the first ecclesiastical court to deal with the case. The legal argument of the case was straightforward: Elizabeth claimed to have exchanged marriage vows with Thomas Marton on two separate occasions. She also claimed that Thomas had sworn to their marriage in the presence of several people worthy of trust who had congregated at the invitation of her father, Sir Simon Lovell, in the parish church of Hovingham to learn whether Thomas and Elizabeth were married. The evidence in the case shows that Elizabeth and Thomas's first exchange had created a marriage *de futuro*; but the couple had intended their vows to be binding. At a second exchange of vows they used a formula that Thomas had learned from his confessors, the friars, which had the desired legal consequences.

Elizabeth brought no less than nine witnesses to the facts of the case as outlined above. Thomas Marton presented a feeble defense, saying that although he had not expressed it verbally at the time he had not intended to marry Elizabeth until he had consulted with his *amici*.⁴⁶ The court in York found sufficient proof to pronounce a sentence in favor of the marriage.

The case seems clear: an ordinary case of broken marriage vows in which the man tried to back out of his promise to marry the woman. A closer examination of the evidence, however, suggests that both the litigants had good reason to be happy about the decision of the court in York. Their opponents were not each other but their parents, in particular Elizabeth's father, Sir Simon Lovell. What evidence points in this direction? First, the way the court scribe recorded the litigant's names indicates that Thomas Marton was not of the same social class as Elizabeth. Elizabeth appears throughout the case as "Elizabeth filia domini Simonis Lovell' militis." No comparable title is given to Thomas Marton. He appears only as "Thomas filius Roberti Marton'."⁴⁷ This does not mean that Thomas's father was poor; he owned a property large enough to have its own bake-house, where the first exchange of vows between Elizabeth and Thomas had taken place. His property also had a courtyard over whose gate there was a room, occupied by Thomas, where the litigants exchanged vows a second time.

but quotations are from the extracts of the case printed in R. H. Helmholz, *Marriage Litigation*, 191-95.

⁴⁶ His use of the word *amici* in this connection is ambiguous: most commonly the word means "friends," but here it may mean Thomas's "kinfolk." See R. E. Latham, *Revised Medieval Latin Word-List from British and Irish Sources* (London, 1965), s.v. *amicus*.

⁴⁷ I am grateful to Professor Charles Donahue who first drew this fact to my attention.

Thomas also had at least two servants of his own, each of them witnessing one exchange of vows. But regardless of his family's wealth, it appears that both his own and Elizabeth's family did not want the two to marry. Second, Thomas and Elizabeth did not exchange marriage promises in the presence of their parents. Instead, the exchanges were witnessed by Elizabeth's sisters, a friend, and one of Thomas's servants. Third, Sir Simon Lovell called a meeting, over which he presided in person, in the parish church of Hovingham on 7 November 1326 in an attempt to determine whether Elizabeth and Thomas had contracted a legally valid marriage. Finally, attempts were made to marry Thomas to a certain Elena, daughter of Jordan of Aneport from the diocese of Chester, after the case had been initiated in York. This marriage, which Thomas claimed to have contracted before his marriage to Elizabeth but which was not solemnized until after Elizabeth initiated her case in York, could have been argued as an impediment to Thomas's marriage to Elizabeth, and, if proved, it would have won Thomas the case and prevented his marriage to Elizabeth. But the argument of pre-contract was not put forward; we only know about the attempted marriage to Elena Aneport from a memorandum of the court.⁴⁸

There can be little doubt that Elizabeth and Thomas wanted to marry each other. Before the case was heard in York they had already contracted marriage twice, the second time with the expressed intention of correcting a "flaw" in the wording of their first exchange of vows. This had made their first exchange of words a contract to marry in the future.⁴⁹ In the morning of 16 April 1326 Thomas—lying naked in his bed—and Elizabeth discussed the validity of their contract in the presence of Agnes and Euphemia, two of Elizabeth's sisters who had come to visit Thomas in his father's manor:

The said Thomas said then that he had been told by the friars, his confessors, that the previous contract was not valid; both of them could contract marriage with another wherever they wanted. And then by the free will of both of them they uttered the words written below, with said Thomas first speaking and

⁴⁸ The memorandum, which is dated 29 December 1326, reads "[Thomas Marton] confessus fuit iudicialiter coram nobis se solempnizasse matrimonium cum quadam Elena filia Jordani de Aneport' commorantis apud Ryngoy in episcopatu Cestr' pendente lite super matrimonio inter Elizabeth' filiam domini Simonis Lovell' militis pendente indecisa; asseruit tamen se precontraxisse cum prefata Elena ante litem inchoatam" (printed in Helmholz, *Marriage Litigation*, 195).

The diocese of Chester was not created until 1542. The phrase "episcopatu Cestr'" probably refers to the diocese of Lichfield.

⁴⁹ For a succinct discussion of the difference of marriage by *verba de futuro* and by *verba de presenti*, see Helmholz, *Marriage Litigation*, 26–31. For a discussion of the development of canonical doctrine, see Brundage, *Law, Sex, and Christian Society*, 229–416.

holding said Elizabeth by the right hand: "Here I take you Elizabeth as my faithfully joined wife to have and to hold until the end of my life and I give you my oath on this." To which said Elizabeth replied, "Here I take you, Thomas, as my pledged husband, to have and to hold until the end of my life and I give you my oath on this." And immediately following this contract they kissed.⁵⁰

This contract was witnessed by Agnes, Euphemia, and Richard Hyman, Thomas's servant. The previous contract, which had been contracted in Robert Marton's bake-house under slightly more formal circumstances, had been witnessed by Agnes and a certain John Bartholomew, Thomas's servant, who was not interrogated by the court.

Notable by their absence at either contract were both sets of parents. When the contract became known, Sir Simon Lovell called a meeting at the parish church in Hovingham on 7 November 1326 to establish the facts of the matter. He conducted the interrogation of Elizabeth, Thomas, and their friends. In the presence of Elizabeth's father, her aunt, his own father, and "others worthy of trust," Thomas swore that he and Elizabeth had exchanged vows on the two occasions mentioned above. He then consulted with Elizabeth and two *amici*,⁵¹ William Apelson and William Thornton, before adding that mentally he had thought he would not fulfill the contract unless his *amici* consented to the marriage. Elizabeth, who also consulted with William Apelson and William Thornton, swore to the marriage. She added that she had not known about Thomas's reservations.⁵²

⁵⁰ "Et dictus Thomas tunc dicebat quod a fratribus confessoribus suis eidem fuerat dictum quod prior contractus non valuit; quin licuit utrique cum alio contrahere matrimonium ubi vellet. Et tunc ad voluntatem utriusque verba infrascripta adinvicem protulerunt, dicto Thoma primo dicente et ipsam Elizabeth per manum dexteram tenente: 'Hic accipio te Elizabeth in uxorem meam fidelem coniugatam, tenendam et habendam usque ad finem vite mee et ad hoc do tibi fidem meam.' Cui dicta Elizabeth respondebat: 'Et hic accipio te Thomam in fidelem virum meum desponsatum, tenendum et habendum usque ad finem vite mee et ad hoc do tibi fidem.' Et post ipsum contractum adinvicem osculabantur" (CP E 18 [1327-28], printed in Helmholz, *Marriage Litigation*, 193-94).

⁵¹ I have maintained the Latin word to preserve the ambiguity of the original deposition. Concerning the meaning of the word *amicus*, see n. 46 above.

⁵² "Et postmodum dictus Thomas, post huiusmodi confessionem dicte Elizabeth, parum deliberavit cum Willelmo de Thornton et Willelmo de Apelson et dicta Elizabeth. Et statim rediens ad dictum Simonem et alios superius nominatos, fatebatur se talia verba matrimonialia in forma per ipsam Elizabeth recitata eidem Elizabeth dixisse et protulisse. Adiecit tamen idem Thomas quod tempore quo talia verba matrimonialia fecit et protulit dicte Elizabeth, in mente et voluntate cogitavit quod dictum contractum non adimpleret nisi adesset voluntas amicorum suorum. Et tunc dicta Elizabeth eidem respondebat quod de cogitatione nescivit, sed quod ille contractus fuerat simplex, sine conditione aliquali. Cui assertioni dictus Thomas nichil in contrarium respondebat" (CP E 18 [1327-28], printed in Helmholz, *Marriage Litigation*, 194-95).

Thomas's objection that he had made mental reservations at the exchange is a weak defense. It is impossible to say why he presented this defense, but it had the effect of creating enough doubt about the validity of his marriage to Elena de Aneport to force a decision by the court in York. Thomas was clearly aware of the distinction between a valid and an invalid exchange of vows and it is unlikely that with such a background he would be unaware of the shortcomings of his defense. His line forced Sir Simon Lovell to seek the judgment of the court in York, and thus Thomas and Elizabeth succeeded in removing all doubt concerning the legal validity of their marriage. A sentence for Elizabeth and for upholding the marriage was passed by the commissary general's court in York on 27 October 1328, and we have no evidence that the sentence was appealed. Although it can never be proved that Elizabeth and Thomas deliberately set out to force their parents to go to the court in York to confirm their marriage, there is enough circumstantial evidence to put forward a strong argument that this was indeed their motive.

Some cases appear to have been initiated out of a desire simply to end a relationship that one of the partners no longer wished to continue, supporting Brewer's impression of the impermanence of marriage in the fourteenth century.⁵³ But all of these cases show that the litigants were aware of the rules determining when a marriage was legally binding. Various stratagems were employed. One of the more sophisticated arguments used was to claim a previous affair with a kinsman of the present spouse as an excuse for annulment of the present marriage. In CP E 33 there was ample proof of previous sexual intercourse between the defendant, John de Boton, son of John de Carthorp, and a certain Mariota Lasci, the second cousin of the plaintiff, Johanna, daughter of Peter de Acclum. The witnesses, who were all in their forties, agreed that there had been intercourse on several occasions between John and Mariota before John had contracted marriage with Johanna. Margaret de Cloghton explained that the relationship between John and Mariota had lasted for more than a year and that they had been given a penance for this by their confessor. She clarified the nature of the relationship by saying that John "often, whenever he wanted to, willingly knew her (Mariota) carnally as if he held her in concubinage."⁵⁴

⁵³ See n. 11 above.

⁵⁴ The Latin text of the witness account implies that they shared a common confessor: "Requisita qualiter scit quod adinvicem carnaliter commiscuerunt dictis diebus lune et martis horis predictis dicit quod vidit eos adinvicem carnaliter commiscentes et ideo penitentia fuerat sibi ministrata a confessore suo. Et sepius pro libito voluntatis sui quandocumque voluerit eam carnaliter cognovit quasi eam tenuit in concubinatum per annum et amplius" (CP E 33-1 [1337]).

All four witnesses heard in the case confirmed the consanguinity between Mariota and Johanna. Most of the witnesses added that Mariota was alive at least some time after the marriage between Johanna and John. A sentence does not survive in this case.

But by far the most spectacular attempt to circumvent the spirit while remaining true to the letter of the law was undertaken by Robert de Midelton of Bishop Burton around 1349. The case, which has the number CP E 79, was first heard by the York consistory court in late November 1358. Alice de Welewyk appeared before the commissary general claiming that nine years earlier she had contracted marriage by *verba de futuro* with Robert de Midelton, son of the late Henry Midelton of Bishop Burton, that they had intercourse, and that she had borne Robert de Midelton a child. Robert de Midelton claimed to have contracted marriage with Elizabeth Frothyngnam with proper rites and with preceding marriage negotiations eight years before the case was heard in York. Alice de Welewyk produced two witnesses to her claim that her marriage to Robert was prior to that of Robert and Elizabeth. The two witnesses confirmed the existence of an unusual conditional oath of marriage, but only one of them had been present at the actual exchange.⁵⁵ The other witness reported events that took place a year later when Robert ended his relationship to Alice de Welewyk.

Alice de Harpham explained that during her term of service to Alice de Welewyk nine years earlier Robert had frequently come to their house to implore Alice to let him have intercourse with her but Alice had always refused him. She would only consent to have intercourse with him if he made her a guarantee that he would marry her.⁵⁶ Robert was not prepared to give that assurance. He wanted to determine whether they could have

⁵⁵ Alice's claim to have married Robert appears to have been true, even though the court held against her: Robert appeared before the court three weeks after the official passed sentence for Robert and Elizabeth Frothyngnam's marriage and swore to the truth of Alice's allegations (the memorandum is printed in n. 62 below).

⁵⁶ "Ac eadem Alicia semper quando ipsi simul loquebantur de dicta materia, quotienscumque ista testis audivit, semper (*sic*) respondebat sibi dicens quod ipsa noluit permittere eum ipsam carnaliter cognoscere nisi primo faceret sibi securitatem quod eam deberet ducere in uxorem. Et bene recolit, ut dicit, quod quodam die dicti temporis intermedii, videlicet in die lune proxime post diem dominicam in ramis palmarum proximo futuro erunt novem anni elapsi, predictus Robertus in modo quo prefertur fecit et loquebatur predictae Alicie in domo sua supradicta, situata in vico vocato *Estgate Beverl'* et ipsa Alicia eodem modo respondebat sibi in modo quo prefertur dicens se nolle permittere ipsum Robertum eam carnaliter cognoscere nisi faceret sibi primo securitatem quod eam duceret in uxorem. Ac idem Robertus incontinenti respondebat sibi dicens in hunc modum, 'Ego nollem ducere te in uxorem nisi scirem quod tu poteris de me concipere prolem et habere, et ideo si tu vis permittere me tecum coire [et con]tingat me prolem de te suscitare, pro certo volo te tunc ducere in uxorem et super hoc volo facere securitatem [. . .]'" (CP E 79 [1358-60]).

children before he exchanged vows with Alice. Demonstrating that he had a detailed knowledge of the canon law about marriage and displaying considerable cleverness in circumventing it, he explained that because he wanted to make sure that she could conceive by him, he could not promise to marry her, because if they exchanged a conditional vow before they had sex, they would be married as soon as they had intercourse regardless of any condition they included their vows. Instead, he suggested that he make the promise to someone else.⁵⁷ Alice agreed to this and called her servant to her to receive Robert's oath to marry.

Robert and Alice's relationship lasted for just under a year. During that year Robert had met Elizabeth Frothyngnam and initiated marriage negotiations with her family. The family was unquestionably wealthy: the marriage negotiations took place in Hamadus de Frothyngnam's private chapel in the village of Frysmersk, and the solemnization of the marriage three weeks later with more than one hundred guests was known in all the neighboring villages.⁵⁸ The witnesses do not say how long it took for the parties to agree on a marriage contract, but—judging by Hamadus de Frothyngnam's relief when he could finally send for a chaplain—the negotiations were arduous. The parties came to an agreement on 2 March 1351. As in most other cases, the witnesses are silent on the contents of the contract; the court was satisfied to know about the circumstances of the vows and the words that were used to finalize it.⁵⁹ Although this exchange of vows had created a valid union which did not need to be confirmed, marriage was solemnized three weeks later in the parish church of Frysmersk,

⁵⁷ “Sed etiam hec [nolo] facere ad presens, quia, si sic facerem et me tibi obligarem in forma qua prefertur, statim prima nocte postquam [te] cognovero deberes esse uxor mea licet prolem nuncquam conceperis et ideo volo facere securitatem [. . .] alii cui volueris sed non tibi,” ad quod dicta Alicia respondebat dicens se fuisse contenta” (CP E 79-12 [1358–60]).

⁵⁸ The witness Richard de Wynestede explained this when asked how he knew that they had married: “Et hoc scit non quia interfuit, ut dicit, sed quia dicta solempnizatio fuit ita solempniter et notorie facta in presentia quamplurimi centum hominum quod non potuit alicui existenti in [dicta] villa vel in aliis villis propinque vicinis latere. Et istemet testis, ut dicit, fuit tunc presens in quadam villa vocata Wynestede que vix distat a dicta villa de Frysmersk’ ad spatium unius miliarii” (CP E 79-13 [1358–60]).

⁵⁹ “Et habito consensu mutuo inter eos tandem, istemet testis misit pro quodam capellano, vocato domino Ricardo de Wynestede, ut eosdem Robertum et Elizabetham simul affidaret. Qui quidem dominus Robertus statim postquam ibi venerat et intellexerat causam adventus sui, informavit dictas personas per que verba ipsi seinvicem mutue affidarunt, dicentes in hunc modum. Primo predictus Robertus, ad informationem dicti capellani, dixit sic: ‘Ego accipio te Elizabetham in uxorem meam tenendam et habendam usque ad finem vite mee, et ad hoc do tibi fidem meam,’ ac ipsa Elizabetha eodem modo respondebat sibi dicens, ‘Hic accipio te Robertum in virum meum tenendum et habendum quousque mors nos separaverit, et ad hoc do tibi fidem meam’” (CP E 79-13 [1358–60]).

after the publication of banns on three consecutive Sundays in the parishes of Frysmersk and Burton. Alice seems to have been present on at least one of these occasions, but she did not then object to the marriage.

Alice's silence had been secured beforehand. According to William de Wetewang, a canon and the master of the Hospital of St. Giles in Beverley, Robert and Alice had come to see him there on an unspecified day before Robert was due to solemnize his marriage to Elizabeth Frothyngham. Robert was clearly in an apologetic mood and soon began to speak:

"Master William, we come to you as the best friend Alice has here apart from the prior of Warter, her kinsman. And you must know that I am very indebted to her for various reasons and therefore want to help her with my goods, as the agreement was between me and her. I will recite this agreement before you and see if you and she still will consent." To which this witness answered in this way: "Robert, certainly you are very indebted to her if it is like what I heard, because it has been said to me that previously you promised that you should take her as your wife if it happened that she conceived by you—as indeed she did—and that you knew her carnally, and that in her presence you gave your pledge to Alice de Harpham, who was her servant then, that you would have done these things under that condition which has now been met."⁶⁰

Robert did not contradict William about his obligation to marry Alice. In fact, he seemed genuinely distressed and promised to compensate her financially. The negotiations about this compensation took place between Robert and William while Alice was silently present in the room. In the end they agreed that Robert should pay her 12 silver marks over the next year. William commented that he did not know for sure why it was so important to Robert to make this covenant with Alice, but he believed that it was to make sure that Alice did not object to his marriage to Elizabeth Frothyngham.⁶¹

⁶⁰ "Domine Willelme, nos venimus hic ad vos tanquam ad meliorem amicum quem ista Alicia habet in istis [partibus] preter priorem de Wartr', consanguineum ipsius Alicie. Et debetis scire quod ego sum multum obligatus sibi ex diversis causis et ideo volo iuvare eam cum bonis meis prout est conventum inter me et ipsam, quam quidem contentionem volo recitare coram vobis et videre si vos et ipsa adhuc velitis et velit consentire.' Cui iste testis respondit in hunc modum: 'Roberte, pro certo, si ita sit prout audiui dici, tu multis es obligatus sibi, quia dictum fuit michi quod tu ante hoc tempus promisisti quod tu deberes ipsam Aliciam ducere in uxorem, si contingeret eam de te prolem concipere—prout revera fecit—et quod tu, post huius promissionem, ipsam carnaliter cognovisti, et quod tu dedisti fidem tuam Alicie de Harpham, tunc servienti sue, in presentia sua, quod tu deberes premissa fecisse sub predicta conditione, que iam est impleta,' ut dicitur" (CP E 79-12 [1358-60]).

I have used the English word "friend" for *amicus* in this translation, since Robert de Midelton clearly distinguished between Alice's *consanguineus*, the Prior of Warter and her *amicus*, William de Wetewang.

⁶¹ "Sed ob quam causam ista fecit sibi promissione pro certo nescit deponere iste testis,

Both judges who heard the case ruled against Alice de Welewyk. The evidence produced by Robert de Midelton presented a convincing case: he was able to produce three witnesses to his marriage negotiations with Elizabeth Frothyngnam, one of whom was the cleric who guided their exchange of marriage vows after marriage negotiations. But appearances were deceptive: although two judges had passed sentence in favor of Robert and Elizabeth's marriage, and although Elizabeth and Robert had five children, Alice persisted and appealed the case to the Apostolic See. Before the case could be transmitted to the Roman *Curia*, Robert was called to testify before the court in York and acknowledged the validity of his marriage to Alice de Welewyk. A memorandum, dated 14 October 1359, was attached to the case reporting that he had confessed to an exchange of vows with Alice de Harpham, subsequent intercourse, and the birth of his child by Alice de Welewyk before his contract with Elizabeth.⁶² Despite this admission, the court passed sentence in favor of the marriage to Elizabeth Frothyngnam on 11 December 1359. The case was eventually appealed to the Apostolic See.

Robert's behavior demonstrates that he had a sophisticated understanding of canon law. His legal summation was impeccable and shows that he was aware of that rule which Robert Smyth, the defendant in CP E 70 had not known, according to which subsequent intercourse made a conditional marriage binding and made a marriage *de futuro* into a legally binding marriage. He was able to devise a way of avoiding the consequences of intercourse which was logically, if not legally, sound. It is worth adding that Robert's solution seems to be unique to him: it does not appear to have been discussed in any contemporary treatise on the canon law of marriage. Robert de Midelton must have had his reasons for his actions, but it is clear that he tried to do the right thing by Alice when he separated

ut dicit, [. . .] ibidem aliquam causa ibidem (*sic*) exprimere nisi quia dixit se multum teneri ipsi [. . .]stia sua quod ipse predictam promissionem fecit illa de causa ne ipsa Alicia aliquomodo [. . .]pnizationi matrimoniali quam fecit fieri inter ipsum et Elizabeth de Frothyngnam" (CP E 79-12 [1358-60]).

⁶² Memorandum quod xiiii^{to} die octobris anno domini millesimo ccc^{mo} lix^{mo} Robertus de Midelton de Burton, juratus et ex officio per dominum officialem curie Eboracensis interrogatus, fuit solutus a quocumque contractu matrimoniali cum Elizabete, de quo in articulis memoratur, vel alia quacumque. Dixit in juramento suo quod promisit, Alicia de Harpham media, quod contraheret matrimonium cum Alicia de Welewyke in presentia eiusdem Alicia de Welewyke in eventu quod cognosceret carnaliter dictam Aliciam de Welewyke et de ea prolem suscitarret, prout in depositione eiusdem Alicia probatur. Et [dicit] in juramento suo quod ipsam Aliciam de Welewyke carnaliter cognovit et de ea prolem suscitavit, ut firmiter credit, antequam contraxit matrimonium cum qua nunc stat matrimonialiter copulatus, sed de forma contractus cum dicta Alicia de Harpham vel de verbis inter eosdem tunc prolatis non recolit, ut dicit" (CP E 79-8b [1358-60]).

from her nine years earlier: he certainly did so when he confessed to his marriage to Alice after winning his case in the first instance at the consistory court in York. Robert had one child by Alice, and this child stood to inherit after Alice and Robert if the marriage could be shown to have been valid at the time of its birth. She was clearly willing and able to let her case be tested by the Apostolic See, so presumably she also had money to pay for this litigation. But Elizabeth Frothyngham had clearly been worth the effort of the arduous marriage negotiations: the scale of marriage celebrations mentioned by the witness Robert de Wynestede, the bribe of 12 marks paid for Alice de Welewyk's silence, and the insecurity that Robert de Midelton must have felt for the nine years he was married to Elizabeth Frothyngham all point to that conclusion. We can only guess at his reasons for this unusual arrangement, but the wealth of Elizabeth's family must have played at least some part in Robert's decision to marry her.

V

It has been shown that the litigants in the York Cause Papers demonstrated a surprising awareness and—in most cases—compliance with canon law. Such compliance with canon law was not just a matter of public display in the court room or in settling marriage conflicts but reached even into the living arrangements of the couple. This can be illustrated by the case *Hiliard c. Hiliard* (CP E 108 [1370]). In this case neither the wealth nor the willingness of the parties to comply with the law can be in doubt.

Katherine Hiliard wanted her dower to be restored to her after her husband's death, but her stepson, Peter Hiliard, refused to let her have it. The case was referred to the court in York from the king's bench, where Peter Hiliard claimed that the marriage of his stepmother, Katherine, to his father, John, was within the forbidden degrees. The dower in question was substantial: according to the libel it consisted of a third of twenty-four messuages, one mill, sixteen bulls, twenty-one bovates, five acres of meadows, pasture for three hundred sheep "with the things that relate to them" (*"cum pertinentibus"*) and 8 s. annually in rents, in the villages of Arnall, Dripole, Riston, Preston, Sutton, Hedon, and Carton.

The marriage had been celebrated under suspicious circumstances around the feast of St. Martin of Tours seven years before the case was examined in York, i.e., around 11 November 1363, at dawn in a chapel near Arndal. The ceremony took place early in the morning, but witnesses heard for Katherine all agree that the sun was up by the time the solemnization was celebrated. Her witness Ivo of Riston, who was the chaplain who celebrated

the marriage, claimed that he read the banns at dawn before the ceremony.⁶³ On this occasion, he said, neither the guests nor the parties themselves had admitted to any impediments to marriage between the two. On the other hand, Peter's brother Thomas, who was present at the marriage ceremony, said that the church had been boarded up with linens and surplices draped across the windows and that the door remained closed during the ceremony to prevent light from the candles escaping from the church.⁶⁴

Soon after, some witnesses for Peter Hiliard claimed, the couple had been denounced to the archbishop by their parish priest, and the archbishop had enjoined them to live "as sister and brother."⁶⁵ Although two of Peter Hiliard's brothers testified that the marriage had been consanguineous, John Coleville, a witness heard for Katherine, found it impossible to believe that she had known about the consanguinity:

He says that he thinks said Katherine is a true woman and in such good faith that she would not have contracted marriage with said John for a thousand pounds of gold if it had been under an impediment or consanguinity that she had known about.⁶⁶

⁶³ "... in aurora ipsius diei postquam gallus ter cantavit venit iste juratus de villa de Arnal' ad capellam de Ristoun' una cum prefatis Johanne et Katerina, Emma Hiliard, Elienora de Bartoun, Margareta de Hedoun (*sic*) et Thoma Hiliard et in dicta capella ante ostium chori eiusdem capelle edidit iste juratus, ut dicit, banna publice inter personas superius nominata" (CP E 108-6 [1370]).

⁶⁴ "Dicit quod ipsemet interfuit in capella de Rystoun' [una cum domino] Ivone Lardmand, capellano, Emma, matre carnali dicte Katerina, Elienore de Bartoun et Margareta de Hedoun quum Johannes Hildyard et Katarina predicta matrimonium adinvicem de facto contraxerunt et ipsum ibidem solemnizari fecerunt infra noctis tenebras ante auroram diei per spacium decem miliarum anglicorum, ostio ipsius capelle clauso et fenestris eiusdem capelle cum linthiaminibus et superpelliciis suspensis in eisdem obscuratis ne lumen candelarum ibidem accensarum exterius videretur. Et dicit in iuramento suo quod numquam audivit dici vel referri quod aliqua banna fuerunt edita publice in aliqua ecclesia nec aliquid propositum publice in ecclesia super huiusmodi matrimonio contrahendo" (CP E 108-13 [1370]).

⁶⁵ John Hiliard, junior "dicit quod postquam matrimonium inter dictos Johannem et Katerinam contractum fuit denuntiatur domino archiepiscopo Ebor' qui nunc est per dominum Johannem de Hildeston, tunc rectorem ecclesie parochialis de Routhe (*sic*) prout iste juratus audivit quod ipsi Johannes et Katerina fuerunt consanguinei et illegitime matrimonialiter copulati. Et bene novit iste juratus quod dicti Johannes et Katerina fuerunt vocati coram domino archiepiscopo Ebor' quod comparerent coram eodem sibi super premissis et aliis articulis salutem animarum suarum concernentibus responsurum et dicit quod una vice fuit iste juratus cum dicto Johanne, patre suo, coram domino archiepiscopo supradicto apud Thorp' juxta Ebor' et audivit a magistro Willelmo de Hornsee quod tunc per eundem dominum archiepiscopum fuit inhibuit ipsi Johanni et Katerine ne extunc adinvicem carnaliter comiscerent sed ut frater et soror se adinvicem haberent" (CP E 108-13 [1370]).

⁶⁶ "Dicit quod reputat dictam Katherinam ita bone fidei existere et fidelem mulierem quod nollet contraxisse matrimonium cum dicto Johanne si subfuisset impedimentum vel consanguinitas quam scivisset pro mille libris auri" (CP E 108-6 [1370]).

There are two branches of the Coleville family: the southern branch of the family died out in the early fourteenth century. Both the northern branch, the Colevilles of Dale, and the

Although they accepted the sentence of the archbishop's court, John and Katherine tried to obtain a dispensation from the pope, permitting them to be man and wife. But their envoy, Master John de Estthorp, was unsuccessful in his attempts to procure a dispensation for them. John Helbyson, a witness for Peter, explained that the two slept in separate bedrooms after the citation by the archbishop.⁶⁷ No sentence survives in the case between Peter and Katherine from the consistory court. The court possibly took the separate beds, the suspicious circumstances of the marriage, and the proceedings before the archbishop's court as sufficient proof of consanguinity, or the original case before the king's bench may have been settled before the court in York reached a decision.

John and Katherine Hiliard's elaborate attempts to avoid detection when they married, their separate bedrooms, and their open attempt to gain a dispensation from Rome to marry despite their consanguinity show that they were not only aware of the canon law rules of consanguinity when they married but were also aware of how to challenge them and how to circumvent them. John Helbyson's assertion that they slept in separate beds may have been an attempt on his part to tell the court what he believed it wanted to hear. If his description of John and Katherine's sleeping arrangements was true, however, it shows that John and Katherine had a strong desire to conform to these rules. John and Katherine's attempts to gain a dispensation from Rome for their consanguinity emphasizes this desire.⁶⁸

VI

The knowledge of the canon law rules for marriage permeated every level of society from the highest to the low. We have already seen how a mentally

southern branch are profiled in Vicary Gibbs, *The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom: Extant, Extinct or Dormant*, enlarged ed., vol. 3 (London, 1913), 373–75. John Coleville was one of the Colevilles of Dale.

⁶⁷ "... vidit dictum Johannem habere lectum suum separatum in una camera et ipsam Katerinam lectum suum separatum a lecto dicti Johannis in alia camera et ideo credit quod habuerunt se adinvicem tamquam frater et soror" (CP E 108-13 [1370]).

⁶⁸ A comparable case from 1313 appears in the Register of William Greenfield, when Master Robert Pickering was appointed to hear the case of a knight and a lady who had married despite "certain impediments." The case was eventually handed over to the sheriff of York to be dealt with "iuris ordinarii potestate." The entries concerning this case do not specify the nature of the suit any further, nor does it explain why the case was allowed to devolve to the sheriff (*The Register of William Greenfield, Lord Archbishop of York, 1306–1315, Part 2*, ed. William Brown and A. Hamilton Thompson, The Publications of the Surtees Society 149 [Durham, 1934], 146–47, 168 and n. 1).

retarded man, William Bridesall, understood the rules. At the other end of the social scale we find Nicholas Cantilupe (the grandson of the fourteenth-century judge of the same name at the king's bench), who must have known about these rules from members of his family or from his personal confessors. Curiously, he is one of only two litigants who tried to settle their disputes by extrajudicial force.⁶⁹ Nicholas Cantilupe's opponent, who was of the same class, was Katherine, the daughter of Sir Ralph Paynell, who had appealed to the court in Lincoln in the first instance to have her marriage with Nicholas dissolved because of his alleged impotence. She had often tried to find his genitals with her hands when he was asleep, but "she could neither touch nor find anything there and . . . the place in which his genitals ought to be was flat like the hand of a man."⁷⁰

Nicholas presumably feared the embarrassment of an investigation into this matter for two reasons: one reason was the indignity of having to be stripped naked and having his manhood ascertained by a committee of "honest women";⁷¹ the other was that the charge was probably true.⁷² Not only did Nicholas try to delay the case at every stage (he was threatened

⁶⁹ The other was Simon de Munkton who appeared as the plaintiff in CP E 248. Canon Purvis, in his unpublished handlist of the Cause Papers, called the case "Romeo and Juliet of Stonegate" because of its similarities to Shakespeare's play. The case is immensely complex and long and will be part of a future Borthwick Paper. For some preliminary remarks on one aspect of the case, see the analysis of Margaret Foxhole's deposition (pp. 121–23 above).

⁷⁰ "Et dicit quod audivit dictam Katarinam referre quod sepius temptavit manibus suis cum jacuit in lecto cum dicto Nicholao et ipse dormiebat locum genitalium dicti Nicholai et quod nulla palpare nec invenire potuit ibidem et quod locus in quo genitalia sua deberent esse est ita planus sicut manus hominis" (CP E 259–16 [1368–69]).

⁷¹ These "honest women," by baring their breasts and by kissing and fondling the man, would have tried to arouse him sexually. For the use of these women's evidence as proof at the English courts, see Helmholz, *Marriage Litigation* 87–90; and Jacqueline Murray, "On the Origins and Role of 'Wise Women' in Causes for Annulment on the Grounds of Male Impotence," *Journal of Medieval History* 16 (1990): 235–49.

⁷² Like John Sanderson, the *pars rea* in CP E 105 (1370), which is the only other impotence case in the Cause Paper E series, Nicholas seems to have suffered from one of a series of relatively common conditions which today would be diagnosed as "ambiguous gender." The condition from which Nicholas Cantilupe suffered affects one in six thousand babies, while John Sanderson's conditions is seen in one in twelve thousand babies. Nicholas's condition "male pseudo-hermaphroditism" has four primary characteristics: insufficiently developed sexual organs, excessive height and a deep voice, the inability to procreate, and a short life expectancy since it adversely affects the individual's immune system. Nicholas meets three of these criteria: according to the Inquisitions Post Mortem, Nicholas died without offspring at Avignon on the Friday before St. Peter in Cathedra, 45 Ed. III (21 February 1371); if he gave his correct age to the court in York (it differs by two years from the age given in the Inquisition Post Mortem after his father), he would have been only 29 or 30 years of age when he died. (I am grateful to Professor I. A. Hughes of Addenbrooke's Hospital, Cambridge, for discussing the medical aspects of these two cases with me and to Dr. Richard Mackenzie of Clare Hall, Cambridge, for first suggesting the diagnosis.)

with excommunication for non-appearance at three consecutive meetings of the court before the case eventually started in earnest in York), but in an attempt to make Katherine abandon the case, he abducted her and a group of her servants to one of his castles, Greasley in Nottinghamshire, which bordered on the Paynell estate. There he forced her to swear not to proceed.⁷³ His embarrassment over the substance of the case was clear. Robert de Bekeby, a chaplain in Katherine's father's household, was one of the group of people abducted by Nicholas's men. He explained to the court that they were met at the castle gate by Nicholas who spoke,

saying with a grim expression, "Woman, you are cursed among all women." And he led her and this witness and the other aforementioned fellow witnesses into a certain chapel situated within that castle, and there he spoke to said Katherine in these words: "You know well that I, having genitals that are good enough for married life, am sufficiently potent to copulate with you." And she answered, "Yes." Said Nicholas added, "I demand that you swear that I am able to have intercourse, having sufficient natural instruments, as has been said, and that you henceforth do not leave my company without my special permission and that you do not reveal this counsel in any way." To which said Katherine answered, "I will swear to whatever was said by you."⁷⁴

The witnesses do not say how Katherine and her fellows escaped from Nicholas, but it is clear that they were concerned to preempt any attempt by Nicholas to prove that she had said in public that he and she

⁷³ The deposition of Katherine's father's priest, Thomas Waus, a former official of the archdeacon of Stow, reads in part, "... discordia suscitata occasione impotentie coeundi dicti Nicholai, sed ea non obstante, dicta Katarina die jovis proximo post festum purificationis Beate Marie Virginis ultimo preterito fuerunt duo anni elapsi traducta fuit in domum dicti Nicholai, in castrum videlicet de Cryselay. Et idem Nicholaus dictam Katarinam statim, ut premittitur, traductam ad Sancta Dei Evangelia juramentum prestare compulit corporale quod ipsa consilium suum in omnibus concelaret et nullatenus revelaret. Interrogatus qualiter compulsa fuerat ad jurandum dicit quod dictus Nicholaus dixit isti jurato quod nunquam cum eo moraretur nisi tunc prestaret huiusmodi juramentum. Et nicholominus iste juratus vidit locum ad modum carceris ordinatum quem dictus Nicholaus sibi ostendit pro mora et inclusione dicte Katherine nisi juramentum huiusmodi prestisset. Et postquam dicta Katherina dictum prestiterat juramentum audivit iste juratus ipsam dicere dicto Nicholao: 'Quicquid vos dicitis ego volo fateri vobiscum et in omnibus concordare'" (CP E 259-11 [1368]).

⁷⁴ "... alouens torvo vultu, 'Maledicta es mulier inter omnes mulieres.' Ipsamque statim una cum isto jurato et aliis contestibus proximo prenotatis in quodam oratorium situatum in eodem castro introduxit, ibique dictam Katerinam alloquitam fuerat sub his verbis: 'Tu scis bene quod ego sum sufficienter potens tecum carnaliter comiscere habens instrumenta ad coheundum satis apta.' Que respondit, 'Sic.' Dicit insuper dictus Nicholaus, 'Volo quod tu jures quod ego sum potens ad coheundum habens instrumenta naturalia, ut premittitur, et quod tu de cetero non recedas a comitiva mea sine licentia mea speciali, et quod consilium meum nullatenus reveles.' Ad que dicta Katerina respondit, 'Volo jurare quaecumque vobis fuerunt prolata'" (CP E 259-11 [1368-69]).

had intercourse. When the commissary general decided that the marriage should be annulled, Nicholas appealed to the Apostolic See. He died two and a half years later in Avignon while prosecuting the case.⁷⁵

Nicholas Cantilupe thus in the end accepted that the way he must conduct his case was not through intimidation but by working within the law. His earlier behavior is all the more surprising since he can be shown to have been familiar with the law. His grandfather, Nicholas Cantilupe, was often appointed on commissions of oyer and terminer in the north of England before his death in 1355, and Nicholas, junior, participated in parliamentary work. Together with the barons of the realm he signed a petition to the pope asking him to determine the English right to the French crown as "Nicholaus de Canti Lupo, Dominus de Grisley" in 1354.⁷⁶

VII

Among the many kinds of cases heard by the court in York, abjuration *sub poena nubendi* cases deserve particular attention.⁷⁷ Since these cases were brought by women who had already been in contact with an ecclesiastical court that had imposed such a sentence on them and their partner, their understanding of the law can be expected to be somewhat more sophisticated than the understanding evinced by litigants who had no previous experience of the court. One must assume that the courts that imposed these sentences explained the consequences of subsequent intercourse to the litigants when sentence was passed. Nevertheless, some confusion over the consequences of an abjuration *sub poena nubendi* is evident among the litigants.

⁷⁵ That Nicholas continued to pursue the case is the conclusion that one must draw from the facts presented in his *Inquisition Post Mortem*. He died in Avignon, 21 February 1371, while in possession of six manors in Buckinghamshire and Lincolnshire. He was also enfeoffed with Greasley castle in Nottinghamshire. The inquisition mentions that his wife, Katherine, was in possession of his manors Withcall, Kynthorp, and Lavington in Lincolnshire. The case, which was originally initiated before the bishop of Lincoln, was probably transferred to the York court because Nicholas held Greasley Castle in fief from the archbishop of York (44–47 *Edward III*, vol. 13 of *Calendar of Inquisitions Post Mortem* [London, 1954], 76–78).

⁷⁶ Thomas Rymer, *Foedera, conventiones, litterae et cujuscunque generis acta publica*, 3d ed., vol. 3.1 (Hague, 1740), 101.

⁷⁷ For a discussion of the legal aspects of these kinds of cases, see R. H. Helmholz, "Abjuration *Sub Pena Nubendi* in the Church Courts of Medieval England," in *Canon Law and the Law of England* (London, 1987), 145–55 (first published in *The Jurist* 32 [1972]: 80–90); and see the later discussion of the same subject in Helmholz, *Marriage Litigation*, 172–81 and 208–12.

In one case—CP E 114 from 1372–73—the *pars appellans*, Hugh Stry, initially argued that he had not sworn in front of the official of the dean of Beverley that he would marry Cecilia Rowth if they had intercourse: the vow to which he had agreed was that he would be lashed around the church and the market in Beverley on six separate days as a penance for his transgression “unless he could obtain a better grace.”⁷⁸ Hugh Stry’s defense was probably not taken seriously by the court, particularly after the court in Beverley sent a notarized copy of the sentence. But he did win his case on another defense. He presented witnesses to the court to testify that he had been absent from Beverley on the day when intercourse was alleged to have taken place.

The institution of abjuration *sub poena nubendi* was clearly open to abuse: Alice Partrik from Thirsk tried to set a trap for her longtime companion, John Mariot, shortly after their abjuration in 1394 (CP E 211). She asked the *Curia Eboracensis* to enforce her marriage to John Mariot from Sowerby, which had been contracted by abjuration *sub poena nubendi* and subsequent intercourse. Alice and John had abjured each other before the dean of Bulmer in the morning of the feast of the Purification of the Virgin that year (2 February 1394) in the standard form.⁷⁹ Their previous relationship must have lasted for a considerable time, for she claimed that she had several children by him. The abjuration may have made John more determined to end the relationship: he certainly lived alone in a house.

After the abjuration Alice tried to set her trap for John. She called William Stabyll and Richard Lambe, a parish clerk, to her and explained that she was going to go and have sex with John that evening. Half an hour after the two witnesses had seen John open his door and let Alice in, they went to his door and demanded that he come out. John did so, but contrary to what Alice clearly hoped he would do, he had not had sex with her.⁸⁰

⁷⁸ “... si dictus Hugo ipsam Ceciliam extunc carnaliter cognoverit per sex dies circa ecclesiam predictam et sex dies circa forum Beverlacensis fustigaretur nisi meliorem gratiam potuerit optinere” (CP E 114-13 [1372–73]).

⁷⁹ This date comes from a transcript of the actbook of the dean of Bulmer, which he sent at the request of the commissary general. Alice Partrik’s witnesses were surprisingly vague about the date; see n. 81 below.

⁸⁰ The witness William Stabyll explained to the court in York: “... quodam die jovis proximo post vicesimum diem natalis domini ultimo preterito dicta Alicia retulit isti jurato et Ricardo, contesti suo, quod ipsa convenit eadem nocte venire ad lectum dicti Johannis. Et infra noctis tenebras eiusdem diei, ipsa Alicia pulsante ad fenestram camere dicti Johannis, idem Johannes aperuit ostium camere sue eidem Alicie et permisit eam intrare, videntibus isto jurato et Ricardo conteste suo qui fuerunt prope cameram ipsius Johannis ad explorandum eos. Et infra dimidiam horam postea dictus Johannes fatebatur isti jurato et Ricardo, contesti suo, dictam Aliciam esse ibidem in camera cum eo, asserens tamen se ipsam nolle carnaliter cognoscere” (CP E 211-8 [1394]).

An added complication in this case was that the two witnesses were more than usually vague about the time of the abjuration: Richard Lambe put it "sometime between the feasts of St. Michael (29 September) and Christmas last," while William Stabyll put it "on a certain day" but did not even remember the time of year.⁸¹ The court decided against the existence of a marriage.

In these *sub poena nubendi* cases the litigants were clearly bending the rules of the law to fit their own ends. Hugh Stry tried to convince the court that a technical flaw in his oath to the court in Beverley made it invalid. He was probably also aware that the argument he put forward was not likely to be taken seriously by the court; he therefore presented a defense of *alibi* when the case was heard in York, and this argument won him the case. Alice Partrik, the *pars actrix* in CP E 211, tried to set a trap for the *pars rea*, John Mariot, but the obviousness of her attempt to seduce him and her witnesses' vagueness about the date of the events made it easy for the court to find in favor of John Mariot. But it is clear from these abjuration *sub poena nubendi* cases that the litigants understood at least the outlines of the consequences of their previous meeting with the court.

Sub poena nubendi cases were not the only cases that were open to abuse. CP E 25, a *causa matrimonialis et divortii* from 1333, demonstrates beyond a shadow of a doubt that the plaintiff, Alice Palmer, knew the law of marriage when she first used the court of the archdeacon of the East Riding to procure an annulment of her marriage to Geoffrey de Brunne. In her 1333 libel she claimed that by the help of perjured witnesses she had procured a divorce in the court of the archdeacon of the East Riding from Geoffrey de Brunne her real husband. Geoffrey had married again and appeared before the court as the codefendant with his *de facto* wife, Johanna Southbrunne. The history of the marriage between Geoffrey and Alice as it was presented to the court in York was a sad story of a rapidly deteriorating marriage that had descended into unacceptable violence, and not surprisingly Geoffrey contested Alice's claim.

They had married some years earlier in the village of Folkton, but almost immediately disagreement sprang up between them. Two witnesses testified that Geoffrey often beat her badly,⁸² and William, the vicar of Scalby, who had been present at their marriage, reported that the violence was not always

⁸¹ "... quodam die de quo non recolit inter festa sancti Michaelis et [. . .] natalis domini ultimo preterito"; "... quodam die, de quo non recolit, nec quo tempore anni, nec quando . . ." (both from CP E 211-8 [1394]).

⁸² The witnesses were Hawisia, daughter of Alfred de Flixton and Alice, the widow of Robert de Flixton (CP E 25-9 [1333]).

committed by Geoffrey. According to his testimony, Alice had tried to kill Geoffrey by poisoning him with arsenic.⁸³ The situation clearly could not go on. William of Scalby explained that Alice then sought the advice of her father, who suggested that they find someone to pass as her husband in an earlier marriage. They found Ralph Foulter and paid him 5 s. to appear in court to swear that he had contracted with Alice before her marriage to Geoffrey,⁸⁴ and that strategy gained Alice an annulment of her marriage to Geoffrey. After the annulment Geoffrey married Johanna Southbrunne, and William, the vicar of Scalby, was present to bless their nuptial bed. William was careful to point out that he was not present at the solemnization of the marriage between Geoffrey and Johanna.⁸⁵ Had he been found to have been present and knowing about a possible impediment to the marriage, he would have faced a penalty of suspension from office for three years.

We cannot say for certain where Alice Palmer gained her insight into canon law; it is entirely feasible that she had been instructed by her parish priest on how to obtain an annulment. Alice Palmer's marriage breakdown came to the attention of the official of the East Riding, who clearly could not annul the marriage on canonical grounds. The official and his assistant, Stephen Deancole, subsequently approached the local priest and told him about the case. The parish priest claimed that Alice's father had put her up to procuring an annulment, while carefully making sure that he could not be indicted himself for not objecting to the subsequent marriage of Geoffrey and Johanna Southbrunne. Alice certainly knew how to go about obtaining her annulment with the minimum amount of fuss. She hired a man to pass

⁸³ "Dicit insuper quod publicum fuit et est in parochia de Scalby (*sic*) quod d[ic]ta Alicia i[n]toxicavit eundem et venenum eidem dedit ad bibendum, videlicet resalgar, quam intoxicationem et venenis potationem eadem A[licia] coram officiali Estriding' decano et Stephano Deancole clerico in capitulo Estriding' fatebatur, prout idem juratus ab eisdem referri audivit" (CP E 25-9 [1333]).

⁸⁴ "Et, ut publice dicebatur, prefata Alicia una cum Gilberto Palmer, patre suo, convenerunt cum Radolfo Foulter quod ipsi darent sibi quinque solidos argenti ad hoc quod ipse veni[ret] coram officiali Estriding' et peteret matrimonium divortari inter prefatos Galfridum et Aliciam contractum et sibi eandem in uxorem adjudicari, ratione precontractus initi inter ipsum Radolfum et eandem Aliciam ante omnem contractum matrimonialem et solemnizationem eiusdem inter Galfridum et Aliciam antedictos. Idemque juratus vidit postmodum predictum Radolfum duas mulieres in testimonium producere in causa ipsa divorciali coram dicto domino officiali Estriding' in capitulo suo . . ." (CP E 25-9 [1333]).

⁸⁵ "Requisitus si scit [aliquid dicere de contractu m]atrimoniali inter predictum Galfridum et Johannam de Souhtbrune' (*sic*) quam tenet in uxorem dicit quod presens non interfuit aliter contra[cto] solemnizato in[ter] eosdem sed publicum est et notum in parochia de Brunne (*sic*) et parochia de Scalby quod idem Galfridus et Johanna matrimonium contraxerunt et [solemnizarun]t circiter festum Ad vincula beati Petri nunc proximo preterito fuerunt duo anni elapsi. Et lectum eorumdem Galfridi et Johanne conjugum cum venerant apud Scaby' (*sic*) idem juratus benedixit" (CP E 25-9 [1333]).

himself off as her husband: he, in his turn, provided the minimum number of two witnesses who would secure the annulment by testifying to the truth of Alice's case; the four of them convinced the court of the official of the dean of the East Riding—who may already have been in on the plan to annul the marriage—that a previous marriage had been contracted. Alice, like many other litigants in the Cause Papers, demonstrated an intimate and surprisingly detailed knowledge of the canon law of marriage.

*
* *

Synodal legislation provided ample opportunity for the laity to become acquainted with canon law rules of marriage and the Church's teaching on the matter. Despite the hostility to the married state expressed by some of the early Fathers, the medieval Church encouraged Christians to marry and taught that the married state was an honorable one. Although there were many written texts which dealt with the honor of marriage,⁸⁶ the laity probably received most of their knowledge of canon law from other sources, particularly through the instruction of their parish priests or from their confessors. Sermons on the wedding in Cana, which were part of the liturgical year, and "ad status" sermons to married people were specifically meant for the ears of the congregation and provide some insight into the attitudes to marriage that the Church wanted to encourage.⁸⁷ Such sermons concerned the state of marriage and rarely touched upon the subject of how one entered that condition, so an alternative means of instruction was probably used. At the parish level the priest was required by most English medieval synods to instruct his parishioners in the Creed, the seven deadly sins, and the seven sacraments of the church, one of which, of course, was marriage. This instruction was presumably seen as an efficient means of acquainting the laity with the rules for marriage. A reasonable level of knowledge of the canonical impediments to marriage among the laity was necessary if the marriage banns were to be effective in identifying obstacles to proposed marriages as these obstacles had been identified in canon 51 of Lateran IV (1215).⁸⁸ Though already a part—and probably a well-known part—of

⁸⁶ See Jean Leclercq, *Monks on Marriage: A Twelfth-Century View* (New York, 1982), 26–85.

⁸⁷ A number of "ad status" sermons are investigated in D. L. d'Avray and M. Tausche, "Marriage Sermons in *ad status* Collections of the Central Middle Ages," *Archives d'histoire doctrinale et littéraire du moyen âge* 47 (1980): 71–119. A full survey of marriage sermons on the text of John 2:1, which d'Avray and Tausche identified as possibly the most important source for the attitudes to marriage that the Church wanted to communicate to the laity, still has not been undertaken.

⁸⁸ *Constitutiones concilii quarti Lateranensis una cum commentariis glossatorum*, ed.

English synodal legislation as early as 1329,⁸⁹ the need to explain the rules of Lateran IV c. 51 to the congregation in the vernacular on several solemn days was first emphasized in the diocese of York by the constitutions of Archbishop John Thoresby in 1361.⁹⁰ Without such instruction of the laity by the parish priest, the Church could not have expected reliable results from the publication of marriage banns. In the Cause Paper files we have investigated in this study it is clear that the banns were, if not feared, then at least identified by the litigants as a potential stumbling block to their marriage plans. Robert de Midelton, the defendant in CP E 79, offered Alice de Harpham a settlement of 12 marks to ensure her silence during the reading of the banns between him and Elizabeth de Frothyngnam, while the reading of the banns in the case of Peter Hiliard c. Katherine Hiliard seemed to be performed in a way that was designed to prevent any objection being raised on that occasion, regardless of whether it took place just before or just after sunrise. Likewise, in CP E 215, the witnesses heard for the marriage of Emma Corry and Thomas de Dale proudly announced that the banns were successfully published, though they were less forthcoming on the subject of when, where, and by whom the marriage had been solemnized.

The parish priest was supposed to instruct the people in the exact words that were to be used to contract marriage, both in English and in French,⁹¹ and most of the cases cited contain exchanges in the standard canonical form. Elizabeth Lovell and Thomas Marton, in CP E 18, tried to use the canonical words to establish a binding marriage but failed the first time, since they had used the formula that created a betrothal. They did, however, use the correct words as soon as their mistake was pointed out to them. Agnes Huntingdon tried to establish a union with John de Bristol in CP E 248 using words that were recited without hesitation almost in defiance of the rebuke she had earlier received from Margaret Foxholes. All three of the actors in the situation she outlined to the court were acutely aware of the implications of the words used. Robert Midelton and Elizabeth de Frothyngnam were instructed how to go about their *sponsalia* by a priest who was called especially for that purpose. Katherine and John Hiliard exchanged their vows in a church in the presence of a priest, who presumably

A. García y García, *Monumenta Iuris Canonici*, Series A: *Corpus Glossatorum* 2 (Vatican City, 1981), 91.

⁸⁹ Council of London (1329), c. 12, ed. D. Wilkins *Concilia Magnae Britanniae et Hiberniae*, 4 vols. (London, 1737), 2:707–8.

⁹⁰ Sheehan, "Marriage Theory and Practice," 439.

⁹¹ *Ibid.*, 445.

was one of the men behind the somewhat unusual arrangements surrounding the ceremony.

Another opportunity for the laity to learn the Church's doctrine of marriage was provided by the act of confession. In three of the cases investigated in this paper the confessional played a major part in the progress of the case. Interestingly, two out of three involved confession to a friar rather than to a parish priest. In the case of Lovell c. Marton, Thomas Marton was informed "by his confessors, the friars," that his first exchange of vows with Elizabeth Lovell was not legally binding without further actions. Thomas's confessor chose to instruct him in the correct words to create a fully binding marriage, rather than telling him that subsequent intercourse created a "matrimonium presumptum," which, though it carried the full legal implications of a marriage, did not create a full canonical marriage.⁹² In CP E 92 the witness Thomas Fouler was instructed by his confessor that he could not remain a member of the Church if he did not testify to the church court about his knowledge of the existence of a marriage between Alice Redyng and John de Boton. The final case is a little more complex: in CP E 259 Katherine Paynell was instructed by her father's chaplain that she had to wait before she could bring her case of impotence to the court in Lincoln. The decision to proceed with the case was made "in foro conscientie," which may have meant that she made up her own mind to proceed, but which can also be taken to mean that she was instructed to do so by her (unnamed) confessor.

A final source of knowledge of the canon law rules of marriage among the laity was the courts themselves. The cases investigated in this paper do not by any measure exhaust the extensive evidence of the interaction between the laity and the church courts found in the Cause Papers, but even in the examples selected here we have seen some cases in which the litigants received from previous encounters with the courts the instruction in the canon law of marriage which enabled them to put together a case. This is certainly the case in all the *sub poena nubendi* cases, where the imposition of a sentence of abjuration *sub poena nubendi* simply would not make sense unless the parties were instructed in the significance of the oath they were required to swear before the court. There could be some doubt as to the correct understanding of the oath, as is demonstrated by the fact that the court in York allowed Hugh Stry to use, as the basis of his appeal, the argument that his oath was not an oath to marry if he subsequently had intercourse but an agreement to be whipped around the

⁹² See Brundage, *Law, Sex, and Christian Society*, 299, 354, 412–13, 436, 502, 515–16; and Sheehan, "Marriage Theory and Practice," 429–30.

church and market in Beverley (CP E 114). Hugh Stry's understanding of the oath was eventually shown to be wrong, but only after a transcript of the acts of the court in Beverley showed that he had in fact sworn the standard abjuration *sub poena nubendi*. It says something for his legal training (or his legal advice) that he immediately switched his defense and won the appeal on a defense of pre-contract. Alice Partrik, the plaintiff in CP E 211, had also understood the implications of her abjuration, but her ruse to force her lover to marry her was ineffective when he refused to have intercourse with her in circumstances where she could produce witnesses to their union. He had presumably also understood the implications of the sentence passed against him in his previous court appearance.

A further suggestion made above is somewhat controversial. The case of Palmer c. de Brunne and Southbrunne (CP E 25) seems to indicate that the courts might instruct individual members of the laity on how to obtain an annulment when their marriages were clearly beyond repair. Such action by the courts was strictly uncanonical and contrary to the law. But a strong impression is created by the facts of this and other cases in the Cause Paper material that individual members of the court would turn a blind eye to fraudulent claims.⁹³ However intriguing such activities may be, the Cause Paper files do not allow us to confirm that they actually did take place: the essence of a fraudulent claim is that it must be presented to the court in such a way that it looks like a real claim.

CONCLUSION

In this essay I have shown that the litigants in the surviving fourteenth-century York marriage cases sometimes displayed a surprisingly informed knowledge of the canon law rules of marriage. I have also shown that unclear replies to expressions of an intention to marry, such as "it pleases me to have you as my husband" or "behold my oath that I shall be at your disposal," could and did form the basis of litigation at the courts in fourteenth-century York. By necessity, the analysis may appear impressionistic since it focuses only on individual cases and does not try to quantify the surviving material. However, this kind of close reading of individual cases

⁹³ See CP E 245, in which Agnes Waghen, the daughter of William Cawood (one of the proctors of the court of York), was claimed in marriage by two men: that case took less than a month from beginning to end and involved three witnesses who testified that one of the men exchanged the bare minimum of words necessary to create the marriage bond with Agnes and testified to the exchange of a ring. The other man does not seem to have produced any witnesses.

and relating the contents of the cases to the law is essential for an understanding of how the law was perceived and used by the laity in fourteenth-century England. In this brief study we have touched upon the understanding of the law displayed in thirteen cases, or one-sixth of all the surviving fourteenth-century marriage cases in York. Through these analyses of the marriage cases, we saw that the cases can be more complex than has been presumed before. Litigants, who appear adversarial in the sources simply because the cases had to have a plaintiff and a defendant, may have been cooperating against an outside opponent such as their parents (CP E 18) or have tried to use the courts to dissolve a marriage which no longer suited them (CP E 25).

But even then, we saw that there is evidence that the laity knew the canon law rules of marriage and that these rules were used to initiate, legalize, and sometimes dissolve marriages among the laity. At a basic level this means that there was a clear understanding even among those members of the laity we would least expect to know canon law. We quoted the examples of the mentally retarded beggar William Bridesall (CP E 92) and the servant Margaret Foxholes (CP E 248) who demonstrated in different ways that they knew that words could establish a marriage without the presence of a priest. Margaret Foxholes tried to leave her mistress' daughter in the *Sandhous* in York so that she would not overhear the daughter's exchange of vows with a man to whom she knew her mistress objected. William Bridesall overheard two exchanges of vows and, before he gave evidence to the court, he eagerly informed the court that he believed that the plaintiff, Alice Redyng, had justice on her side.

At an increasing level of sophistication, we saw the use of the courts by Maud Schipyn (CP E 70), who assembled her case in less than six weeks and by Margaret Graystanes and Thomas de Dale (CP E 215). Margaret Graystanes argued a case that really revolved around the use of the words "placet mihi habere te," while Thomas's witnesses appear to have been aware of the illegality of the actions of the unidentified priest who presided over the solemnization of his subsequent marriage to Emma Corry. But most sophisticated in his understanding of the law was Robert de Midelton (CP E 79), who promised to marry only if a sexual union proved to be fertile. His knowledge and exposition of the law was as clear as his solution to the problem of how to make such a promise was ingenious.

An important question of interest both to legal and social historians has been left unanswered: how representative are these cases of the average person's experience of marriage? Although the York material contains cases which were initiated by people from all areas of life and from all classes of medieval society, a systematic analysis of what might best be called "the

sociology of the court" remains to be undertaken. Such an investigation would try to answer questions such as "who were the individuals who litigated at court" and "which factors—geographical, economic, or cultural—influenced the decision to litigate?"⁹⁴ In consequence of the results of this investigation we will also need to answer the question "where did the litigants and the witnesses who appeared before the archbishop's court in York in the fourteenth century acquire their knowledge of canon law?" But until such studies appear we may still safely conclude that among the people who appeared before the court of the archbishop in York in the fourteenth century there existed a detailed and intimate understanding of the canon law rules of marriage. We may also conclude that once they had initiated contact with the courts, litigants knew how to argue and present their case to obtain a sentence which was in accordance with the rules of canon law and favorable to their understanding of the facts of the case. We may also conclude that unclear promises to marry, like the one found in Chaucer's *Troilus and Criseyde*, could and did form the basis of litigation in the church courts of Chaucer's own time, and that a contemporary audience, regardless of their status, would understand the matrimonial character of such vows.

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⁹⁴ I am presently preparing an article about the temporal, geographical, social, and age distribution of the litigation in the York Cause Papers.

ERIVGENA IN PRISCIANVM

Paul Edward Dutton and Anneli Luhtala

OPINION has always been divided on whether or not Eriugena ever commented on Priscian's *Institutiones grammaticae*. Manitius, Sheldon-Williams, and Dionisotti all thought he might have, but the evidence so far supplied has been either inconclusive or misleading.¹ In a recent article, Margaret Gibson summed up the current consensus: "John the Scot . . . was not primarily an expositor of Latin grammar: the closest he comes, in his commentary on Martianus Capella, *De nuptiis* 3, is not very close."²

He may, however, have come closer than that. A brief commentary on the *De uoce* portion of the opening book of the *Institutiones grammaticae* (1.1; ed. Hertz 1:5.1–4)³ was recently attributed to Eriugena and his school by P. E. Dutton.⁴ A fuller copy of this commentary on Priscian has now

¹ Max Manitius, *Geschichte der lateinischen Literatur des Mittelalters*, vol. 1 (Munich, 1911), 331; I. P. Sheldon-Williams, "A List of the Works Doubtfully or Wrongly Attributed to Johannes Scottus Eriugena," *The Journal of Ecclesiastical History* 15 (1964): 83; A. C. Dionisotti, "Greek Grammars and Dictionaries in Carolingian Europe," in *The Sacred Nectar of the Greeks: The Study of Greek in the West in the Early Middle Ages*, ed. Michael W. Herren and Shirley Ann Brown, King's College London Medieval Studies 2 (London, 1988), 49–50. For other important comments on the subject, see especially Günter Glauche, *Schullektüre im Mittelalter: Entstehung und Wandlungen des Lektürekanons bis 1200 nach den Quellen dargestellt*, Münchener Beiträge zur Mediävistik und Renaissance-Forschung 5 (Munich, 1970), 38; and Bengt Löfstedt, ed., *Sedulius Scottus in Donati Artem maiorem*, CCCM 40B (Turnhout, 1977), pp. xiv–xv.

² Margaret Gibson, "Milestones in the Study of Priscian, circa 800–circa 1200," *Viator* 23 (1992): 24. See also Louis Holtz, "L'enseignement de la grammaire au temps de Charles le Chauve," in *Giovanni Scoto nel suo tempo: L'organizzazione del sapere in età carolingia*, Atti del XXIV Convegno storico internazionale, Todi, 11–14 ottobre 1987 (Spoleto, 1989), 153–69. For background materials, see Mary Brennan, *Guide des études érigéniennes: Bibliographie commentée des publications 1930–1987—A Guide to Eriugenian Studies: A Survey of Publications 1930–1987*, Vestigia 5 (Fribourg, Switzerland, 1989).

³ *Prisciani grammatici Caesariensis Institutionum grammaticarum libri XVIII*, ed. Martin Hertz, 2 vols., in vols. 2 and 3 of *Grammatici Latini*, ed. H. Keil, 8 vols. (Leipzig, 1855–80; rpt. Hildesheim, 1961). Here the numbers in parentheses refer first to the book and section number of the *Institutiones*, followed by the Hertz volume number (thus Hertz 1 = Keil 2, Hertz 2 = Keil 3) and page and line number. In the edition at the end of this article, parenthetical numbers after the lemmata refer to the Hertz edition of the *Institutiones*.

⁴ Paul Edward Dutton, "Evidence that Dubthach's Priscian Codex Once Belonged to Eriugena," in *From Athens to Chartres: Neoplatonism and Medieval Thought. Studies in Honour of Edouard Jeuneau*, ed. Haijo Jan Westra (Leiden, 1992), 29–38.

been uncovered by A. Luhtala. We wish in the following pages to announce the existence of this larger commentary, to supply some arguments for connecting it with Eriugena, and finally to provide an edition of the *accessus* to the work.

Squeezed between copies of Priscian's *Periegesis* and *Institutiones* in the so-called Dubthach Codex, Leiden, Bibliotheek der Rijksuniversiteit B.P.L. 67 (henceforth *L*), is a late ninth-century copy of a set of Greek grammatical terms, definitions of grammar and rhetoric taken from an early redaction of Eriugena's *Periphyseon*, and the incomplete commentary on *Institutiones* 1.1. The Leiden manuscript bears other traces of Eriugena's direct possession and work, including glosses on the *Institutiones* written by the Irish writer known as i¹.⁵

There is now new evidence to conclude that the *L* commentary on *De uoce* is entirely contained within a longer commentary on Priscian in Barcelona, Archivo de la Corona de Aragón, Ripoll 59, fols. 257v–288v (hereafter *B*), an eleventh-century manuscript of Catalan provenance.⁶ Indeed the Caroline scribe who copied out the Eriugenian definitions and commentary on *De uoce* on fol. 8r–v of *L* also copied passages from the *accessus* of the longer commentary onto fol. 9r of *L*. He was joined—or perhaps preceded—by several Irish scribes who entered other materials from the commentary into the margins of fols. 9r–10r.

Thus it must follow that at least the *accessus* and the *De uoce* portions of the commentary *In Priscianum* date from the ninth century, and the arguments already made to connect the *L* commentary on *De uoce* to Eriugena also apply here. The evidence includes an overriding interest by the author in the priority of dialectic, an emphasis upon the superiority of *usiadis definitio* over *ennoematice* (or substantial over accidental definition), which is consistent with Eriugena's emphasis in the *Periphyseon*, and shared cosmological terms and concepts. Moreover, the definitions of grammar and rhetoric found on fol. 8r of *L* and that of grammar found in the *De uoce* commentary (fol. 8v) are exactly the same as those added by i¹ to the working copy of the *Periphyseon* (Rheims, Bibliothèque Municipale 875, fol. 41r). At the next manifest stage of recension of the *Peri-*

⁵ Bernhard Bischoff first drew attention to the existence of i¹'s glosses in *L*: see "Irische Schreiber im Karolingerreich," rpt. with revisions in Bernhard Bischoff, *Mittelalterliche Studien: Ausgewählte Aufsätze zur Schriftkunde und Literaturgeschichte*, vol. 3 (Stuttgart, 1981), 52. See also Dutton, "Evidence that Dubthach's Priscian Codex Once Belonged to Eriugena," 15–45.

⁶ See Marina Passalacqua, *I codici di Prisciano*, Sussidi eruditi 29 (Rome, 1978), 10–11. See also G. L. Bursill-Hall, *A Census of Medieval Latin Grammatical Manuscripts* (Stuttgart-Bad Cannstatt, 1981), 26.

physeon as found in Bamberg, Staatsbibliothek Msc. Phil. 2/1, fol. 26r, the wording of the definition of rhetoric was changed by the Irish scribe i².⁷ It can therefore be claimed that the *De uoce* portion of the commentary *In Priscianum* contains materials not only consistent with the work of Eriugena and his school but also particular to it. These probably date from the early stages of Eriugena's career on the continent.

There is some evidence to suggest that the scribes who wrote in the first ten folios of *L* knew even more of the longer commentary *In Priscianum*. In the bottom margin of fol. 1r one of these scribes entered a miscellany of glosses that can scarcely be read today. One portion of this text, an annotation of the rare word "peripetasma" from *Institutiones* 7.82 (ed. Hertz 1:357.12), was extracted from a copy of the Latin Hegesippus, a work that was to be found in the library of Eriugena's friend Wulfadus at Saint-Médard of Soissons.⁸ It is now possible to state that the scribe took this annotation from the longer *In Priscianum* (*B*, fol. 271v). These connections suggest, even at this early point in the investigation of the *In Priscianum*, that some place such as Saint-Médard once probably housed not only the library that contained *L* (the Dubthach Codex) but also an earlier copy of the commentary *In Priscianum* than the copy in *B*, which is a somewhat corrupt witness.

But we can go still further in connecting the *In Priscianum* to Eriugena, since Remigius of Auxerre attributed to Eriugena a distinctive idea that we have found in the *In Priscianum* commentary. In the *accessus* to the *In Priscianum* (see the edition in the appendix below, lines 24–25) the author explained why Priscian called himself (or was called) "Caesariensis" in the salutation to his letter of preface to the consul and patrician Julian:⁹

CAESARIENSIS: uel quia a Caesaria ciuitate fuit, uel ab eo quod est Caesar
Caesariensis dicitur, id est regalis.

Remigius, in the *accessus* to his commentary on the *Institutio de nomine, pronomine, et uerbo* of Priscian, explained:

⁷ Dutton, "Evidence that Dubthach's Priscian Codex Once Belonged to Eriugena," 35–38, 43–44. Though not previously identified by editors of the *Periphyseon*, the definition of grammar inserted by i¹ in Rheims, Bibliothèque Municipale 875, fol. 41r (*Periphyseon* 1.27, ed. I. P. Sheldon-Williams, *Iohannis Scotti Eriugenae Periphyseon*, 3 vols., *Scriptores Latini Hiberniae* 7, 9, 11 [Dublin, 1968–81], 1:110.32–33; PL 122:475A.4–5), was taken directly from Augustine, *Soliloquia* 2.11.19, ed. W. Hörmann, CSEL 89 (Vienna, 1986), 70.17–18.

⁸ See M. Cappuyns, "Les 'Bibli Vulfadi' et Jean Scot Érigène," *Recherches de théologie ancienne et médiévale* 33 (1966): 137, item no. 2; and Dutton, "Evidence that Dubthach's Priscian Codex Once Belonged to Eriugena," 16–18.

⁹ Priscian, *Epistola ad Iulianum*, ed. Hertz 1:1–4.

CAESARIENSIS dicitur a Caesarea Cappadociae regionis. tres sunt Caesareae, ex nomine Caesaris dictae uidelicet: una est Palestinae regionis, alia Philippi quam aedificauit ipse Philippus suoque nomine et imperatoris imposuit ei nomen ut Caesarea Philippi, tertia Cappadociae de qua iste dicitur Caesariensis, unde oriundus fuit. et ibi multo tempore docuit, postea, ut quidam asserunt, Romae fuit. uel secundum Iohannem Scotum Caesariensis ideo dicitur propter dignitatem, id est regalis.¹⁰

Both Hertz and Huygens edited this *accessus* of Remigius from a twelfth-century copy of the work that was added to *L* (fols. 214r–218v).¹¹ The copy of Remigius's *accessus* preserved as a marginal gloss in Clermont-Ferrand, Bibliothèque Municipale 241, fol. 43v, possesses this sentence with a word order even closer to the one in the *In Priscianum*:

Secundum Iohannem Scotum, Caesariensis dictus est, id est regalis, propter dignitatem, id est honorem.¹²

Still other glosses that depend upon Remigius's citation of Johannes Scotus's opinion continue to surface.¹³ If Eriugena's point was that "Caesariensis" was simply a royal epithet, Remigius thought it necessary to add that this was "on account of worthiness." The commentary *In Priscianum* contains the one gloss in this series that does not cite Johannes Scottus and that is not demonstrably dependent upon Remigius. Thus Remigius, in his own explication of Priscian's name, introduced Eriugena's explanation of the same word which would most likely have been derived from Eriugena's comments on Priscian. And indeed the fuller *In Priscianum* found in *B* contains the very opinion on "Caesariensis" that Remigius attributed to Eriugena.

Of still greater interest is the *septem periochae* formula with which the *accessus* of the *In Priscianum* opens, for it has some importance in Eriugena's

¹⁰ R. B. C. Huygens, "Remigiana," *Aevum* 28 (1954): 331; also edited in Hertz 1:xiii. See also Maieul Cappuyens, *Jean Scot Érigène: Sa vie, son oeuvre, sa pensée* (Louvain, 1933; rpt. Brussels, 1964), 75; Colette Jeudy, "L'*Institutio de nomine, pronomine et verbo* de Priscien: Manuscrits et commentaires médiévaux," *Revue d'histoire des textes* 2 (1972): 73–86; eadem, "Remigii Autissiodorensis Opera (*Clavis*)," in *L'école carolingienne d'Auxerre de Murethach à Remi*, Entretiens d'Auxerre 1989, ed. D. Iogna-Prat, C. Jeudy, G. Lobrichon (Paris, 1991), 482; eadem, "L'oeuvre de Remi d'Auxerre: État de la question," also in *L'école carolingienne d'Auxerre*, 382–83.

¹¹ See Passalacqua, *I codici di Prisciano*, 119; Jeudy, "L'*Institutio de nomine*," 105–6.

¹² Jeudy, "L'*Institutio de nomine*," 83.

¹³ A. Luhtala has found another example of the "Caesariensis" etymology attributed to Eriugena in Oxford, Bodleian Library Auct. T.1.26, fol. 1v. On the Remigian elements found in this set of glosses, see Anneli Luhtala, "Syntax and Dialectic in Carolingian Commentaries on Priscian's *Institutiones grammaticae*," *Historiographia Linguistica* 20 (1993): 151, 182 n. 11.

other work and once again we possess *testimonia*. In the redaction of the *Periphyseon* found in Bamberg, Staatsbibliothek Msc. Phil. 2/1, fol. 26r, top margin, Eriugena's Irish scribe and assistant, i², added to the end of the definitions of grammar and rhetoric the following gloss on "periochis":

Septem ΠΕΡΙΟΧΑΙ, id est circumstantiae, sunt quis, quid, cur, quomodo, quando, ubi, quibus facultatibus.¹⁴

Exactly the same interrogative formulation of the *periochae* is attributed to Eriugena by the author of the so-called first Gudian *Vita Virgiliana*:

set Iohannes Scottus has breuiter scripsit periochas dicens: quis, quid, cur, quomodo, quando, ubi, quibus facultatibus. quis scripsit? Virgilius. quid scripsit? bucolicum carmen. cur scripsit? ut laudem redderet Pollioni et Mecenati siue Octauiano. quomodo scripsit? humili, mediocri, grandiloclo caractere. quando scripsit? temporibus Octauiani. ubi scripsit? Mantuae. quibus facultatibus fecit? eorum, quos imitatus est, uidelicet Theocritum in bucolico, Isiodum in georgicis, Omerum in Aeneidis.¹⁵

Not only, therefore, does the author of this ninth-century *Vita Virgiliana* attribute one specific formulation of the *periochae* to Eriugena, but he may also supply Eriugena's application of the *periochae* to Virgil. Indeed the *In Priscianum*, lines 11 to 20, with some of the terms changed ("fecit" for "scripsit," "quare" for "cur," "quos secutus est" for "quibus facultatibus") and changed word order, provides a similar pointed and rapid treatment of the *accessus* topics in its second paragraph.¹⁶

The author of the Gudian *Vita* begins, in fact, with a statement that asserts the necessity of investigating the seven circumstances of a work: "Iniciis librorum vii periochae, id est circumstantiae, sunt requirendae."¹⁷ A similar assertion of the necessity of the *periochae*, this time certainly influenced by a reading of the *In Priscianum*, was entered into the right margin of *L*, fol. 9r.¹⁸ Moreover, Eriugena's own etymological understanding of the term *periochae* in the *Periphyseon* ("ΠΕΡΙΟΧΑΙ, id est circumstantes,

¹⁴ *Periphyseon* 1.27, ed. Sheldon-Williams 1:112.2 *glossa*; PL 122:475A n. 10.

¹⁵ Wolfenbüttel, Herzog-August-Bibliothek 70 Gud. lat. 2°, fol. 1r, ed. Jacob Brummer, *Vitae Virgilianae* (Leipzig, 1933), 62.64–73.

¹⁶ Cf. also Bern A 90, fragm. 30 (s. xi), ed. H. Hagen, *Anecdota Helvetica*, in Keil, *Grammatici Latini* 8:clxviii: "Cum in capite uniuscuiusque libri multa possint requiri, ex omnibus hae periochae, id est circumstantiae, quibus totus roboratur liber et constat, considerandae sunt, uidelicet quis scripsit, quid scripsit, quantum scripsit, qualiter scripsit, quare scripsit, ubi uel quando scripsit et ad quem scripsit."

¹⁷ Wolfenbüttel, Herzog-August-Bibliothek 70 Gud. lat. 2°, fol. 1r, ed. Brummer, *Vitae Virgilianae*, 60.1–2.

¹⁸ "In uno quoque autentico libro septem periochae, id est circumstantiae, sunt requirendae: QVIS persona, QUID res, CVR causa, QVOMODO qualitas, VBI locus, QVANDO tempus, VNDE materia." Cf. the *accessus* to *In Priscianum* edited below, lines 6–7, 10–11, 20–21.

dicuntur quia circa eam inspiciuntur esse") is similar to the one in the *In Priscianum*, lines 20–21, though they serve different needs.¹⁹ The former occurs in the context of a discussion of the categories, while the latter belongs to the specific literary design of an *accessus*.

In Bern, Burgerbibliothek 165, from the mid-ninth century, a note was added to the *accessus* of another *Vita Virgiliana*:²⁰

Salua interim expositione Seruii enodemus vii periochas secundum Iohannem Scottum utentes proprietate Achiui sermonis. Hae enim debent requiri in capite uniuscuiusque auctoris uel libri: τίς quis, τί quid, δια τί cur, πως quomodo, ποῦ ubi, πότε quando, ποθεν unde.²¹

Here the resemblance to the *In Priscianum* formulation (lines 3–5) is striking, and this author's talk of the *periochae* being needed at the start of the commentary on each author or book is very like the assertion in the *accessus* to the *In Priscianum* (lines 10–11, 20–21). Finally, in the Eriugenian *Annotationes in Marcianum*, the *periochae-circumstantiae* formula appears:

ANTE REM: quia initio uniuscuiusque facti septem periochae, id est septem circumstantiae, ante quam illud factum sit diffinitum. Septem autem circumstantiae sunt: quis quid quare quando ubi quomodo quo secutus est.²²

Here the interrogative forms of the *periochae* are identical to the terms employed in the *In Priscianum* (lines 11–20), though in a different sequence.

The hunt for the source of what Silvestre called "le schéma 'moderne' des *accessus*" has always circled persistently around Eriugena and Remigius. Bischoff acknowledged that the *periochae-circumstantiae* formulation was pioneered and promoted by Irish scholars on the continent, but he still thought that there were ancient roots to the scheme.²³ The author of the

¹⁹ *Periphyseon* 1.25, ed. Sheldon-Williams, 1:104.7–8; PL 122:471C.9–11. See also *Periphyseon* 4.7, PL 122:772B.8–11; and *Periphyseon* 2.28, ed. Sheldon-Williams, 2:140.27–33; PL 122:588B.7–12.

²⁰ Bern, Burgerbibliothek 165, fol. 54r. See John Joseph Savage, "The Scholia in the Virgil of Tours, *Bernensis* 165," *Harvard Studies in Classical Philology* 36 (1925): 163 and n. 2; Cora E. Lutz, "One Formula of *Accessus* in Remigius' Works," *Latomus* 19 (1960): 778 and n. 6; Jerold C. Frakes, "Remigius of Auxerre, Eriugena, and the Greco-Latin Circumstantiae-Formula of *Accessus ad Auctores*," in *Sacred Nectar of the Greeks*, 243. See also G. Glauche, "Accessus ad auctores," *Lexikon des Mittelalters* 1 (Munich, 1980), cols. 71–72; idem, *Schullectüre im Mittelalter*, 40–61, 118–27.

²¹ The following readings in Bern, Burgerbibliothek 165, fol. 54r, were emended: τίς from οἷς in the codex, δια τί from διο τί, πότε from ποτε, ποθεν from παθεν.

²² 278, 16, ed. Cora E. Lutz, *Iohannis Scotti Annotationes in Marcianum* (Cambridge, Mass., 1939; rpt. 1970), 128–29.

²³ Hubert Silvestre, "Le schéma 'moderne' des *accessus*," *Latomus* 16 (1957): 684–89; Bernhard Bischoff, "Wendepunkte in der Geschichte der lateinischen Exegese im Frühmittelalter," in *Mittelalterliche Studien*, vol. 1 (Stuttgart, 1966), 218 n. 52; Frakes, "Remigius of Auxerre," 240 and n. 44 on 253.

In Priscianum cites Augustine as his source. He may have been thinking of chapter 7 of Augustine's *De rhetorica* with its rhetorical formulation of the seven *peristaseis* and *partes circumstantiae*, though the parallel is not exact.²⁴ Remigius and other late ninth-century authors such as the annotators of the *Vitae Virgilianae* associated the *periochae* scheme of introduction with Eriugena himself, but it has always been difficult to make the case, since no surviving *accessus* of Eriugena employs the scheme. Frakes, who reviewed the issue thoroughly, came to the following conclusion: "It would not seem unlikely that Eriugena's usage in the *Periphyseon* had influence on usage elsewhere: his own and that of his (actual and indirect) students."²⁵ Though the piecemeal treatment of the scheme in the *Periphyseon* cannot have been the source of the late ninth-century knowledge of the scheme or the source of the *Vitae Virgilianae* commentators, the *In Priscianum*, with its fuller treatment and application, might have been. Indeed the *periochae-circumstantiae* formula employed in the Remigian *accessus* to the Martianus commentary edited by Lutz seems influenced by a fuller statement of the scheme like the one found in the *In Priscianum*.²⁶

Thus it may have been in the 850s, as he taught the Liberal Arts in the palace school of Charles the Bald, that Eriugena first framed the *periochae-circumstantiae* scheme as a way of introducing the texts he had to teach. His scribe-assistant i² certainly remembered the scheme when he glossed his master's use of the word "periochis" in the *Periphyseon*, and Remigius and other late ninth-century commentators were influenced by Eriugena and remembered him when they also employed the formula.

At this point, then, in the exploration of the *In Priscianum*, some evidence suggests that the commentary might indeed be the work of Eriugena and his school. Doctrinal similarities in the *De uoce*, as already outlined, the

²⁴ Augustine, *De rhetorica* 7, ed. C. Halm, *Rhetores Latini minores ex codicibus maximam partem primum adhibitis* (Leipzig, 1863), 141: "Est igitur circumstantia rerum, quam περίστασις Hermagoras uocat, sine qua ulla omnino controuersia non potest esse. Quid sit autem peristasis, facilius partitione quam definitione eius deprehendi potest. Sunt igitur partes circumstantiae, id est peristaseos, septem, quas Hermagoras μόρια περιστάσεως uocat, Theodorus στοιχεῖα τοῦ πράγματος, id est elementa, quod ex eorum coniunctione quaestiones fiant perinde atque ex coniunctione literarum nomina et uerba fieri uidemus. Sed siue στοιχεῖα siue μόρια rectius dicuntur, nos omitta controuersia nominis, quae sint ipsa dicamus. Sunt igitur haec: quis, quid, quando, ubi, cur, quem ad modum, quibus adminiculis, quas graeci ἀφορμάς uocant."

²⁵ Frakes, "Remigius of Auxerre," 241–42 (quotation on 242).

²⁶ Cora E. Lutz, ed., *Remigii Autissiodorensis Commentum in Martianum Capellam: Libri I–II* (Leiden, 1962), 65: "Primo est transeundum per septem periochas, id est circumstantias, quae constant in initio cuiusque libri authenticici, quae ut Graeco utamur eloquio sunt: ΤΙΣ ΤΙ ΔΙΑ ΤΙ ΠΩΣ ΠΟΥ ΠΟΙΕ (sic) ΠΑΤΕΝ (sic); ut haec ipsa ore Latino absoluamus: quis quid cur quomodo ubi quando unde." A good deal of doubt has been expressed by Silvestre, "Le schéma," 686, and others about the attribution of this *accessus* to Remigius.

testimonia of Remigius and others attributing to Eriugena an opinion about "Caesariensis" that does in fact occur in the commentary, and the appearance of the Eriugenian *periochae-circumstantiae* scheme are all partial proofs that have led us to this conclusion. Throughout this rich and complex commentary on Priscian one finds Eriugenian concepts, terms, and emphases. Moreover, the author of the commentary has a special interest in Greek, a persistent drive to proceed logically and to define terms according to the *usiadis definitio*, and a philosophical and speculative interest in grammar that would seem to fit with what we know of the interests of Eriugena and his school.

Still it would be unwise, given the complexity of the problems that editing and understanding the *In Priscianum* will present, for us to do more than suggest that this commentary might indeed contain Eriugena's teaching on Priscian's *Institutiones grammaticae*. The record of the scholarly reception and persistent doubts about the *Annotationes in Marcianum* is caution enough. Moreover, some puzzles have presented themselves. The *In Priscianum* contains only a scattering of the explanations of Priscian's Greek words that appear in Martin of Laon's glossary in Laon, Bibliothèque Municipale 444, fols. 276r–287v, though it has always seemed possible (and perhaps still is) that the explanations in that glossary were dependent upon Eriugena's reading of Priscian. Furthermore, and this is just as puzzling, the few glosses on the *Institutiones* made by i¹ in *L* do not appear in the *In Priscianum*. If both are the work of Eriugena, they must, therefore, come from different periods in his career.

For the present, then, we would like to present an edition of the *accessus* to the *In Priscianum* and to suggest that the commentary may very well prove to be a new and important work of Eriugena and his school. An edition of the complete work is planned, but in the meantime we invite scholars to examine the problem of the *In Priscianum* and its significance to Carolingian grammatical thought and to the career and philosophy of Eriugena.

APPENDIX

The *accessus* to the *In Priscianum* has been edited from *B*, fols. 257v–258r, along with the portion of the text found in *L*, fol. 9r. Variants from *L* and readings from *B* that have been emended in the edition are found in the *apparatus criticus*. The orthographical practices of *L*, which are more Caroline in character, are followed here, while those of *B*, which either does not supply or wrongly supplies *e*-caudata and often assibilates *t* (= *c*), are not. Greek words in the text are printed without accents in the manner of Hertz's edition.

IN PRISCIANVM

<Accessus>

- Septem ΠΕΡΙΟΧΑΙ, id est circumstantiae, sunt: ΤΙΣ, ΤΙ, ΔΙΑ ΤΙ, ΠΩΣ, ΠΟΥ, ΠΟΤΕ, ΠΟΙΑΣ ΥΛΗΣ. ΤΙΣ quis, ΤΙ quid, ΔΙΑ ΤΙ cur, ΠΩΣ quomodo, ΠΟΥ ubi, ΠΟΤΕ quando, ΠΟΙΑΣ ΥΛΗΣ quali materia. Item sic dicuntur ΠΕΡΙΟΧΑΙ: ΠΡΟΣΩΠΟΝ, ΠΡΑΓΜΑ, ΑΙΤΙΑ, ΠΟΙΟΤΗΤΑ, ΤΟΠΟΣ, ΚΑΙΡΟΣ, ΥΛΗ—persona, res, causa, qualitas, locus, tempus, materia. In omni enim facto quaeritur: quis fecit, quid factum est, cur factum, quomodo factum, ubi factum, quando factum, quali materia factum?
- 10 Secundum Augustinum¹ septem periochae in initio uniuscuiusque libri autentici, id est auctoralis, inveniuntur. Verbi gratia. In hoc libro Prisciani quaeritur quis fecit? Priscianus. Quid fecit? Librum de octo partibus orationis secundum grammaticos et de constructione eorum. Vbi? Romae uel in Constantinopoli, ut Cassiodorus dicit: *Ex Prisciano moderno qui nunc*
- 15 *insignis Constantinopoli habetur.*² Quando? Post Donatum et in tempore Iuliani consulis ac patricii. Quare? Propter errorem Latinorum qui secuti sunt errorem Graecorum in arte grammatica. Quomodo? Primo de uoce quia materies est totius grammaticae; inde de littera, de syllaba, de nomine, et de reliquis partibus. Quos secutus est? Erodianum et Apollonium, et
- 20 multos Latinorum.³ Periochae autem dicuntur, id est circumstantiae, eo quod circumstant circa initium uniuscuiusque libri.

1 In Priscianum] Incipit glosa Prisciani B 3 ΠΕΡΙΟΧΑΙ] ΠΟΡΙΟΧΑΙ B ΔΙΑ ΤΙ] ΔΙΑ ΤΙ B ΠΩΣ] ΠΟΣ B 4 ΠΟΙΑΣ ΥΛΗΣ] ΠΟΙΑ ΥΛΗΣ B ΔΙΑ ΤΙ] ΔΙΑ ΤΙ B 5 ΠΟΙΑΣ ΥΛΗΣ] ΠΟΥΑΥ ΑΗΣ B 6 ΠΡΟΣΩΠΟΝ] ΠΡΟΣΩ ΟΝ B ΠΡΑΓΜΑ] ΠΡΑΓΑΙΑ B ΠΟΙΟΤΗΤΑ] ΠΟΙΘΗΤΑ B ΤΟΠΟΣ] ΤΟΝΟΣ B ΥΛΗ] ΥΑΗ B 10 Augustinum] Ag B periochae] periodi B 14 Cassiodorus] Casiodorus B 19 Apollonium] Appolonium B 20 periochae] periodi B

¹ Cf. Augustine, *De rhetorica* 7, ed. Halm, *Rhetores Latini minores*, 141.

² Cf. the tituli in Cassiodorus, *De orthographia*, ed. H. Keil, in *Grammatici Latini* 7:147: "XII. Ex Prisciano moderno auctore decerpta sunt"; and 7:207: "XII. Ex Prisciano grammatico, qui nostro tempore Constantinopoli doctor fuit." The *De orthographia* of Cassiodorus was a work that Eriugena seems to have cited on a number of occasions early in his career; see John J. Contreni, "The Biblical Glosses of Haimo of Auxerre and John Scottus Eriugena," *Speculum* 51 (1976): 422.

³ See Priscian, *Institutiones: Epistola ad Iulianum*, ed. Hertz 1:1.8–9 and 1:2.21–22.

PRISCIANVS duobus modis dicitur uel ab eo quod est priscus, id est antiquus, uel ab eo quod est praescius quia praesciuit suam artem.

CAESARIENSIS: uel quia a Caesaria ciuitate fuit, uel ab eo quod est Caesar Caesariensis dicitur, id est regalis.

GRAMMATICVS: omnes auctores habent nomina professionum, id est in qua arte plus praeualuerunt ab illa arte denominantur, ut Priscianus grammaticus, non quia alias artes nesciuit, sed quia plus in arte grammatica praeualuit.

IVLIANVS: omnes Iuliani a primo Iulo⁴ dicti sunt.

CONSVL dicitur a consulendo rem publicam.

PATRICII dicuntur quia sicut patres praeuident filios, ita illi rem publicam. Vel PATRICII, eo quod patrias res regebant uel paternas.

Hucusque titulus. Titulus autem dicitur uel ab eo quod est titio uel ab eo quod est Titan, id est sol.⁵ Sicut sol inluminat corpora, sic titulus sequens opus demonstrat.

CVM OMNIS ELOQVENTIAE (1:1.1) et reliqua. OMNIS⁶ id est totius eloquentiae, omnis enim philosophia in duas res diuiditur, id est in grammaticam, dialecticam, et rethoricam, et in arithmeticam, geometricam, musicam, astrologiam.⁷ OMNIS ELOQVENTIA illis tribus constat; OMNE GENVS STVDIORVM his quatuor constat.

28 nesciuit] nesciuerit (?) B 39 et in L: item etiam B 40 astrologiam B:
astronomiam L

⁴ The commentator here probably means to follow the claim of Virgil that Julius was named after Iulus who was thought to be the son of Aeneas and therefore the founder of the Julian line. See Virgil, *Aeneid* 1.288 ("Iulius, a magno demissum nomen Iulo") and 1.267, and also Ovid, *Metamorphoses* 14.583. Servius in his commentary on the *Aeneid* restated the point; see *Servii Grammatici qui feruntur in Vergilii carmina commentarii*, ed. G. Thilo and H. Hagen, vol. 1 (Leipzig, 1881), 99. The ninth-century Irish glossator of Servius in Bern, Burgerbibliothek 363, fol. 69v, thought of Sedulius Scottus at this point, but quoted from Servius: see *Codices graeci et latini photographice depicti*, vol. 2: *Codex Bernensis* 363 (Leiden, 1897), p. lvi: "sed<ulius>. cognomen iulo. si proprie loqueretur agnomen diceret non cognomen sed magis ad familiam respexit quia omnis gens iulia inde originem ducit."

⁵ A tenth-century note edited by H. Hagen, in Keil, *Grammatici Latini* 8:xlii n., contains a similar etymology: "Titulus a Titane, id est a sole, quia sicut sol oriens sua presentia mundum inluminat, ita et titulus sequentia librorum manifestat; nam si titulum abstuleris, quodam modo mutus est liber." See also M. Manitius, "Zur karolingischen Literatur," *Neues Archiv* 36 (1911): 48, for another example of this etymology.

⁶ "Omnis . . . fruitur" (lines 37–46) is also found in the left margin of L, fol. 9r.

⁷ Cf. *Periphyseon* 5.4, PL 122:869C.3.

SAPIENTIAE LVCE PRAEFVLGENS (1:1.1–2): nam sunt artes quae luce sapientiae non praefulgent, sed imitatione, ut est ars fabrorum. Non est imitatione lucis sapientiae, sed imitatione auctoritatis.

45 LIBERALES (1:1.3) disciplinae dicuntur quia pro illis semet ipsis appetuntur.⁸ Igitur dialecticus sua arte fruitur faber uero utitur. Septem⁹ liberales disciplinae uera luce quae est dei sapientia inluminantur, ut appareant mentibus sapientium, sicut corporali luce inluminantur corpora mundi ut uideantur oculis cernentium.

50 FONTIBUS (1:1.2) id est profunditatibus scientiae.

QVAMVIS AVDACTER (1:2.1): hoc interest inter audacter et audaciter quia qui audacter aliquid agit cum consilio facit, audac<i>ter uero sine consilio.

55 QVAE CONGRVA SVNT VISA (1:2.4): non ut quaedam essent congrua, quaedam incongrua, sed¹⁰ omnia pura.

Hucusque de prologo. Prologus autem dicitur, quasi prote logos, id est primus sermo.

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42 nam sunt *L*: sunt enim *B* 43 sed *L*: sicut *B* 44 sed *L*: sicut *B* 45 liberales *L*: liberalis *B* illis *om. B* 46 sua arte fruitur *B*: fruitur sua arte *L* 55 sed] sicut *B* 56 prote] *intellige* πρῶτος

⁸ Cf. *Iohannis Scotti Annotationes in Marcianum* 170, 14, ed. Lutz, 86.25–26: “artes liberales dicuntur quoniam propter semet ipsas adipiscuntur et discuntur. . . .”

⁹ “Septem . . . cernentium” (lines 46–49) was also written by an Irish scribe in the top margin of *L*, fol. 9r.

¹⁰ See lines 43–44 above for instances of *B* presenting a reading in which “sed” was transformed into “sicut.”

BEYOND THE *LIBRI CATONIANI*:
MODELS OF LATIN PROSE STYLE
AT OXFORD UNIVERSITY CA. 1400*

Martin Camargo

WITH the appearance of more and better editions of the medieval composition textbooks—both the specialized *artes dictandi* and the more general “arts of poetry and prose”¹—increased attention is being paid to the contexts in which such textbooks were used. The contents of many textbooks supply clues as to their probable use, and such evidence has been investigated with considerable ingenuity.² But often the text itself supplies satisfactory answers only to questions about date, sources and influences, transmission, and the like. Medieval textbooks are rarely explicit about the level and the kind of student addressed, the end toward which that student was instructed, and the means by which he was to learn what was being taught. The teachers and students would have had answers to such questions, but they seldom saw the need to write them down. Even if they had, those answers would not have been the same for every teacher or every school from the twelfth century through the fifteenth and from Oxford to Bologna.

In order to form a clearer picture of medieval instruction in composition, it will be necessary to distinguish the varieties of such instruction, to study

* An earlier version of this paper was read at the International Symposium on Medieval Education in the Language Arts that formed part of the Medieval Institute's Twenty-third International Congress on Medieval Studies, Kalamazoo, Mich., May 1988.

¹ The phrase is Douglas Kelly's: see *The Arts of Poetry and Prose*, Typologie des sources du moyen âge occidental 59 (Turnhout, 1991), esp. 39–40. Important recent editions of such textbooks include Gian Carlo Alessio, ed., *Bene Florentini Candelabrum*, Thesaurus Mundi 23 (Padua, 1983), and Franco Munari, ed., *Mathei Vindocinensis Opera*, vol. 3: *Ars versificatoria*, Storia e letteratura, Raccolta di studi e testi 171 (Rome, 1988). On the other hand, there are still no full printed editions of such important texts as Bernard of Bologna's *Summa dictaminum*, Bernard of Meung's *Flores dictaminum*, Boncompagno da Signa's *Rhetorica antiqua* or *Boncompagnus*, or the longer version of Geoffrey of Vinsauf's *Documentum de modo et arte dictandi et versificandi*.

² See especially Kelly, *Arts of Poetry and Prose*. Also valuable is his earlier article, “The Scope of the Treatment of Composition in the Twelfth- and Thirteenth-Century Arts of Poetry,” *Speculum* 41 (1966): 261–78.

the practices at specific places during specific periods, and to consider other kinds of evidence in addition to the contents of the surviving textbooks. Occasionally, direct information is available from sources other than textbooks—for example, John of Salisbury's famous account of Bernard's teaching methods at Chartres in the early twelfth century (*Metalogicon* 1.24). Foundation charters of grammar schools and colleges, university statutes, and even the "book lists" compiled by authors such as Everard the German, Hugo of Trimberg, and Richard of Fournival can tell us which books students ideally read and, perhaps, at which stage in their education they read them. The information about teaching methods to be gleaned from such sources is generally schematic and often ambiguous, but they have nevertheless been exploited very effectively by Nicholas Orme in his research on English grammar schools and by R. W. Hunt and David Thomson in their studies of the Oxford grammar masters.³

By far the richest source of information about any given textbook's reception and use is the material that accompanies it in the manuscripts in which it is preserved. Commentaries and glosses are extremely informative about classroom procedure. Indeed, many of the distinctive pedagogical genres of the medieval arts of discourse probably grew in part out of an earlier tradition of commenting and glossing.⁴ Glosses to a medieval textbook suggest which passages were especially valued, which caused difficulty, and which needed supplementation. Variants in the transmission of a given commentary, as in the commentary on the *Poetria nova* recently edited by Marjorie Curry Woods, can point to important differences in pedagogical goals and methods.⁵ Close study of the commentaries on the *Poetria nova* has revealed how that work could be adapted for use in the university as well as in the grammar school and how it could be modified to accommodate new developments in the academy, such as the shift to Aristotelian methodologies.⁶

³ Nicholas Orme, *English Schools in the Middle Ages* (London, 1973); R. W. Hunt, "Oxford Grammar Masters in the Middle Ages," in *Oxford Studies Presented to Daniel Callus*, Oxford Historical Society, n.s., 16 (Oxford, 1964), 163–93; David Thomson, "The Oxford Grammar Masters Revisited," *Mediaeval Studies* 45 (1983): 298–310.

⁴ Karsten Friis-Jensen has identified what is very likely the specific commentary that is the missing link between Horace's *Ars poetica* and the new arts of poetry: see "The *Ars Poetica* in Twelfth-Century France: The Horace of Matthew of Vendôme, Geoffrey of Vinsauf, and John of Garland," *Cahiers de l'Institut du moyen-âge grec et latin* 60 (1990): 319–88; *Addenda/Corrigenda*, vol. 61 (1991): 184.

⁵ Marjorie Curry Woods, *An Early Commentary on the "Poetria nova" of Geoffrey of Vinsauf* (New York and London, 1985).

⁶ See Marjorie Curry Woods, "A Medieval Rhetoric Goes to School—and to the University: The Commentaries on the *Poetria nova*," *Rhetorica* 9 (1991): 55–65; Kelly, *Arts of Poetry and Prose*, 101, 108–9, 115–16, 125, 127–28, 133.

Commentaries or extensive glosses are not typically found with works such as the *artes dictandi*,⁷ but other kinds of codicological evidence can be drawn upon in the case of these works.⁸ The great majority of medieval schoolbooks were copied and bound together with other schoolbooks to form collections of material related by subject matter and use. Such grouping of related material provides useful information not only about which texts were preferred by teachers and students but also about how those texts might have been used to teach or to study a particular subject.

A rich store of information about the more elementary levels of composition instruction in the grammar schools can be found in the teacher's notebooks that have survived. Analyses of such manuscripts have disclosed classroom practices that treat composition at the sentence level, especially through the use of *vulgaria* to be translated into Latin and *latinitates* to be translated into English.⁹ The notebooks of grammar school teachers seldom contain either *artes dictandi* or "arts of poetry and prose,"¹⁰ but

⁷ Most copies of Giovanni di Bonandrea's treatise, which became the standard school text in fourteenth-century Bologna, contain some form of commentary. See James R. Banker, "The *Ars dictaminis* and Rhetorical Textbooks at the Bolognese University in the Fourteenth Century," *Medievalia et Humanistica*, n.s., 5 (1974): 160–62. On the other hand, only one of the eighteen manuscript copies of Bene of Florence's *Candelabrum* is glossed. See Alessio, ed., *Bene Florentini Candelabrum*, p. XLIX. Emil J. Polak has located copies of John of Vienna's *Expositio super summa dictaminum Ludolfi de Hildesheimio*, in a manuscript from Vyšší Brod and another from Prague, and an anonymous commentary on Ludolf's *Summa dictaminum*, in a manuscript from Leipzig: see *Medieval and Renaissance Letter Treatises and Form Letters: A Census of Manuscripts Found in Eastern Europe and the Former U.S.S.R.*, Davis Medieval Texts and Studies 8 (Leiden, New York, Cologne, 1993), 17, 50, 145–46. But these examples are few, when set against the large number of *artes dictandi* that survive (over 300).

⁸ For brief remarks on the usefulness of such evidence, see especially Kelly, *Arts of Poetry and Prose*, 96–101.

⁹ See David Thomson, *A Descriptive Catalogue of Middle English Grammatical Texts* (New York and London, 1979); Nicholas Orme, *Education and Society in Medieval and Renaissance England* (London and Ronceverte, 1989), esp. 73–151; Brother Bonaventure, F.S.C. (John N. Miner), "The Teaching of Latin in Later Medieval England," *Mediaeval Studies* 23 (1961): 1–20; John N. Miner, *The Grammar Schools of Medieval England: A. F. Leach in Historiographical Perspective* (Montreal and Kingston, 1990).

¹⁰ There are occasionally exceptions, such as Cambridge, Trinity College O.5.4. But Thomson considers this manuscript unique and believes that it may have been intended for reference rather than for classroom use; see Thomson, *Descriptive Catalogue*, 28–29, 167–68. Kelly, *Arts of Poetry and Prose*, 62–63, cites Gervase of Melkley in distinguishing a four-tier hierarchy among treatises used to teach literary composition: the masterpiece (e.g., Bernardus Silvestris, *Cosmographia*), the rhetorical treatise (e.g., Geoffrey of Vinsauf, *Poetria nova*), the grammatical treatise (e.g., Matthew of Vendôme, *Ars versificatoria*), and the elementary treatise. The grammar teachers' notebooks typically include (if any) only the elementary type, which is usually quite brief and which "emphasizes the rudiments the masters deemed necessary for those as yet untrained in verse and prose composition, usually the tropes and figures and versification" (63).

similar methods of analysis applied to manuscripts that do include such composition textbooks may yield insights into the ways in which more advanced levels of composition instruction were carried out in the academic centers that produced these manuscripts.¹¹

A great deal can be learned about the teaching of Latin prose composition at Oxford during the first half of the fifteenth century through careful study of the manuscripts containing one widely used textbook, an *ars dictandi* entitled *Formula moderni et usitati dictaminis*. Composed at Oxford by Thomas Merke, probably around 1390, when he was studying toward his doctorate in theology, the *Formula* appears to have become a standard textbook at Oxford by the first decade of the fifteenth century.¹² It survives in eleven copies, most of them from Oxford but a few from other places such as Cambridge and York, dating from around 1400 to the 1460s.¹³ The *Formula* was a deliberate and largely successful effort to incorporate as much as possible of the *Poetria nova* and the *Documentum de modo et arte dictandi et versificandi* (shorter version) into an *ars dictandi*. For the theory of letters in particular, Merke draws upon two standard authorities

¹¹ See Kelly, *Arts of Poetry and Prose*, 49: "collections of literary works and various kinds of treatises provided *compendia* useful for the specialized kinds of writing and reading that were part of instruction in medieval schools; they also reflect local emphases and adaptations."

¹² Evidence for the date is supplied in the introduction to the critical edition of the *Formula* in Martin Camargo, *Medieval Rhetorics of Prose Composition: Five English "Artes Dictandi" and Their Tradition* (Binghamton, N.Y., 1994). See also James J. Murphy, "A Fifteenth-Century Treatise on Prose Style," *The Newberry Library Bulletin* 6, no. 7 (1966): 205–10.

¹³ While the provenance of the manuscripts cannot always be determined with absolute certainty, all but two seem to have originated in Oxford. Nearly all of them are written in hands typical of university scribes during the first half of the fifteenth century. For fuller descriptions of the manuscripts, which are listed below, see the introduction to the edition of the *Formula* in Camargo, *Medieval Rhetorics*.

Surviving copies of Thomas Merke, *Formula moderni et usitati dictaminis*:

- (1) Chicago, Newberry Library 55, fols. 91r–107v (s. xv in.; Oxford?)
- (2) Dublin, Trinity College 424, fols. 69r–79r (s. xv med.; Oxford?)
- (3) Dublin, Trinity College 427, pp. 343–61 (s. xv^{1/4}; Merton College, Oxford)
- (4) Lincoln, Cathedral Library 237, fols. 72r–88r (s. xv¹; Oxford?)
- (5) London, British Library Add. 24361, fols. 44v–51v (s. xv med.; Benedictine Abbey of the Blessed Virgin, York)
- (6) London, British Library Harley 5398, fols. 133r–145r (s. xv¹; Oxford)
- (7) Oxford, Balliol College 263, fols. 44vb–49rb (s. xv in.; Oxford)
- (8) Oxford, Bodleian Library Rawl. D.232, fols. 1r–54v (interpolated) (s. xv^{3/4}; Cambridge University)
- (9) Oxford, Bodleian Library Selden Supra 65, fols. 111r–125v (s. xv in.; Canterbury College, Oxford)
- (10) Oxford, St. John's College 172, fols. 70r–83r (s. xv in.; Exeter College?, Oxford)
- (11) Oxford, St. John's College 184, fols. 194v–203r (s. xv med.; Oxford)

from thirteenth-century Italy, Guido Faba and Thomas of Capua. But he augments his discussion of the epistolary *exordium* with Geoffrey of Vinsauf's nine methods for beginning a composition (*Poetria nova*, lines 87–202; *Documentum*, I),¹⁴ and he bases his lengthy treatment of the epistolary *narratio* on Geoffrey's methods of abbreviation and amplification (*Documentum*, II, 2, 2–44). Moreover, the final third of the treatise, dealing with the *colores rhetorici* and the vices of composition, is clearly adapted from the discussions of the same topics in the *Poetria nova* (lines 765–1942). While Merke has revised the borrowed material to varying degrees, the only portions of the *Formula* not found in his chief sources are the prologue, the model *exordia*, and the model letter. Merke's synthesis is a late instance of the attempt to incorporate the *ars dictaminis* into the general composition program of the grammar curriculum while restricting it to a subordinate position. Earlier examples of the same project are the longer version of Geoffrey of Vinsauf's *Documentum de modo et arte dictandi et versificandi* and John of Garland's *Parisiana Poetria*.¹⁵

The contents of the *Formula* manuscripts confirm the curricular affinities suggested by the contents of the treatise itself. Various types of material are bound together with the *Formula* in these manuscripts, but works on grammar and rhetoric, particularly those concerning the composition of verse and prose, are always present. In fact, four of the eleven manuscripts (Chicago, Newberry Library 55; Dublin, Trinity College 424; Oxford, Balliol College 263; Oxford, Bodleian Library Selden Supra 65) contain exclusively this sort of material. Many of the treatises in question are brief and anonymous, though even some of these are well represented in English codices. Among the authors who are named, the two whose works most frequently recur are Simon Alcock, whose brief tract on *colores* appears in five of the manuscripts (Dublin, Trinity College 424; Lincoln, Cathedral Library 237; Oxford, Bodleian Library Rawl. D. 232; Oxford, Bodleian Library Selden Supra 65; Oxford, St. John's College 184), and Geoffrey of Vinsauf, whose *Poetria nova* appears in two (Balliol College 263; Bodleian Library Selden Supra 65)¹⁶ and whose *Documentum de modo et arte dictandi et versificandi*, in the longer, still unprinted version, appears in the same two manuscripts as well as in a third one (Newberry Library 55).¹⁷

¹⁴ Edmond Faral, ed., *Les arts poétiques du XII^e et du XIII^e siècle* (Paris, 1924), 200–203, 265–68.

¹⁵ See Martin Camargo, "Toward a Comprehensive Art of Written Discourse: Geoffrey of Vinsauf and the *Ars Dictaminis*," *Rhetorica* 6 (1988): 167–94.

¹⁶ The *Formula* and the *Poetria nova* also occurred together in Bodleian Library Digby 98, but that portion of the manuscript has been lost.

¹⁷ In discussing patterns of transmission, I shall treat composite manuscripts as ensembles

When considered as a group, the seven manuscripts in which the grammatico-rhetorical materials are accompanied by works treating other subjects point fairly clearly toward the class of people that must have constituted the chief "clientele" of the *Formula*. In three manuscripts, the remaining contents concern theology and morals and include works to be used in the composing of sermons (London, British Library Add. 24361; British Library Harley 5398; Oxford, Bodleian Library Rawl. D. 232). One manuscript (Oxford, St. John's College 184) probably belonged to a student of canon law, since three-fourths of its contents concern that subject; two others may have belonged to students of medicine (Dublin, Trinity College 427; Oxford, St. John's College 172). The last "mixed" manuscript, the one that preserves the best text of the *Formula*, contains five *dictamen* tracts sandwiched between treatises on astronomy (Lincoln, Cathedral Library 237). One of the astronomy tracts, John of Sacro Bosco's *De sphaera*, was required *pro forma* for the M.A. degree at Oxford.¹⁸ The seven "mixed" manuscripts thus connect the *Formula* with "undergraduate" studies in the arts curriculum, as well as with "graduate" studies in the three higher faculties of medicine, law, and theology. In other words, the codicological evidence consistently indicates the use of the *Formula* at the university level rather than in the grammar schools.¹⁹

The manuscripts are also informative about the way in which the *Formula* was used. In this regard, what they do not contain is as revealing as what they do. Not one of the eleven copies of the *Formula* is accompanied by a collection of model letters, by far the most common component of *dictamen* collections.²⁰ This omission is the more striking given that the *Formula* itself contains only a single model letter. By contrast, Merke's contemporary at Oxford, the *dictator* Thomas Sampson, wrote textbooks that are little more

only when there is good evidence that their contents already were bound together during the Middle Ages. Where such evidence is lacking, each of the separate components of the composite will be considered a distinct codex.

¹⁸ James A. Weisheipl, "Curriculum of the Faculty of Arts at Oxford in the Early Fourteenth Century," *Mediaeval Studies* 26 (1964): 172. This treatise also appears in Digby 98, which once contained the *Formula* as well.

¹⁹ Although prose composition would have been taught in some form in medieval English grammar schools, both Jo Ann Hoepner Moran and Nicholas Orme informed me, in conversations at the 1988 Kalamazoo symposium, that they had found no evidence of *dictamen* being taught at that level in England. In Bologna, by contrast, *dictamen* was studied in the last years of grammar school: see Ronald G. Witt, *Hercules at the Crossroads: The Life, Works, and Thought of Coluccio Salutati* (Durham, N.C., 1983), 17–18.

²⁰ According to Ronald Witt, this is no longer true in Italy by the late thirteenth century, when new methods, such as Lawrence of Aquilegia's tables of options, were being developed (conversation at the 1988 Kalamazoo symposium). However, in this respect, as in so many others, the English *dictatores* seem to have lagged behind the trendsetters in northern Italy.

than glossed letter collections. Apparently the students who studied Merke's textbook did not learn their subject by what remained in England the approved method for training professional *dictatores*: memorizing formulas and imitating and adapting concrete models. But there is evidence that they were not entirely left without model texts.

In four of the eleven manuscripts (Dublin, Trinity College 427; London, British Library Add. 24361; Oxford, Balliol College 263; Oxford, St. John's College 172) the pedagogical treatises are accompanied by two or more texts that are neither associated with the university curriculum nor overtly concerned with teaching grammar or rhetoric. The texts in question always come from the same group of four: Alain de Lille, *De planctu naturae* (1160–70);²¹ Jean de Limoges, *Morale somnium Pharaonis* (1234–53);²² Guido de Columnis, *Historia destructionis Troiae* (1287);²³ and Richard of Bury, *Philobiblon* (1344).²⁴ Spanning nearly two centuries, the group is thematically rather heterogeneous, though all four texts could be classified as edifying. But it is not their contents that account for their inclusion in these codices. More important is the fact that all four, in different ways and to different degrees, are showpieces of Latin prose style. Though they never coalesced into a true "reference reader," they served as a convenient selection of model texts illustrating in great variety and detail all the stylistic ornaments that constitute a large part of Merke's teaching in the *Formula*.²⁵

We know of other, more cohesive readers used by medieval teachers of Latin grammar, including the most widely diffused group of this sort, the so-called *Libri Catoniani* or *Auctores Sex*.²⁶ By the thirteenth century the

²¹ Edited by Nikolaus M. Häring, "Alan of Lille, 'De planctu naturae,'" *Studi medievali*, 3d ser., 19 (1978): 797–879 (reprinted separately, Spoleto, 1978).

²² The dedication to Theobald IV styles him King of Navarre, a dignity he attained in 1234 and held until his death in 1253. The work has been edited by C. Horváth, *Johannis Lemovicensis, Abbatis de Zirc 1208–1218, Opera omnia*, 3 vols. (Veszprém, 1932), 1:69–126.

²³ Guido de Columnis, *Historia destructionis Troiae*, ed. Nathaniel Edward Griffin, The Medieval Academy of America Publication no. 26 (Cambridge, Mass., 1936; rpt. New York, 1970).

²⁴ Antonio Altamura, ed., *Riccardo da Bury: Philobiblon* (Naples, 1954). See also the text and translation of E. C. Thomas (1888), as edited by Michael MacLagan, *Philobiblon Ricardi de Bury* (Oxford, 1959; New York, 1970).

²⁵ See the schematic list of the *Formula*'s contents in Camargo, "Toward a Comprehensive Art," 194.

²⁶ M. Boas, "De librorum Catonianorum historia atque compositione," *Mnemosyne*, n.s., 42 (1914): 17–46; E. K. Rand, "A Friend of the Classics in the Times of St. Thomas Aquinas," in vol. 2 of *Mélanges Mandonnet*, Bibliothèque Thomiste 14 (Paris, 1930), 261–81. More recently, see Paul M. Clogon, "Literary Genres in a Medieval Textbook," *Medievalia et Humanistica*, n.s., 11 (1982): 199–209 (with abundant bibliography). On the pedagogical function of the two works that were invariably the first that the student read among the *Auctores Sex* (and the later *Auctores Octo*), see also Richard Hazelton, "The Christianization of 'Cato': The *Disticha Catonis* in the Light of Late Medieval Commentaries," *Mediaeval*

Libri Catoniani typically consisted of the *Disticha Catonis*, the *Ecloga Theoduli*, the *Fabulae Aviani*, the *Elegiae Maximiani*, the *De raptu Proserpinae* of Claudian, and the *Achilleid* of Statius; by the fourteenth and fifteenth centuries it also included the *Remedia amoris* of Ovid and the *Fabulae Esopi*. A second grouping was created around the beginning of the fifteenth century, consisting of the *Disticha Catonis*, the *Ecloga Theoduli*, the *Fabulae Esopi*, Matthew of Vendôme's *Tobias*, the *Facetus*, the *Cartula* (or *De contemptu mundi*), the *Floretus*, and Alain de Lille's *De parabolis*.²⁷ Both the *Auctores Octo*, as this later collection is called, and the *Libri Catoniani* were aimed at elementary students of Latin who had finished their study of Donatus. While helping such students to sharpen their knowledge of Latin grammar and prosody, these reading programs also imparted useful information, particularly of a moral sort, in a readily memorizable form.

Along with these "elementary-school" authors, there also existed a more loosely defined set of "secondary-school" texts, including Alain de Lille's *Anticlaudianus*, Horace's *Satires* and *Epistles*, Virgil's *Bucolics*, the *Thebaid* of Statius, Claudian's *In Rufinum*, and other poems.²⁸ According to Susan Gallick, it is in the company of these more difficult poems, grouped for use by more advanced students of Latin, that Geoffrey of Vinsauf's *Poetria nova* most typically occurred.²⁹

The group of texts that I have isolated in the Merke codices resembles the set of secondary-school authors in being designed for more advanced students and in being more loosely defined as a group than either the *Libri Catoniani* or the *Auctores Octo*. Indeed, I have yet to find all four texts

Studies 19 (1957): 157–73; and George L. Hamilton, "Theodulus: A Mediaeval Textbook," *Modern Philology* 7 (1909–10): 169–85. Editions of the six works that constitute the *Libri Catoniani* are listed in the notes to Marjorie Curry Woods, "The Teaching of Writing in Medieval Europe," in *A Short History of Writing Instruction from Ancient Greece to Twentieth-Century America*, ed. James J. Murphy (Davis, Calif., 1990), 81–82.

²⁷ According to Nicholas Orme, this later grouping is not found in England: "Schools and Problems in Medieval England" (paper read at the 1988 Kalamazoo symposium); see also idem, *English Schools in the Middle Ages*, 103–6.

²⁸ Susan Gallick, "Medieval Rhetorical Arts in England and the Manuscript Traditions," *Manuscripta* 18 (1974): 78; and Rand, "Friend of Classics," 270–71.

²⁹ "Rhetorical Arts in England," 78. Kelly, *Arts of Poetry and Prose*, 42–43, argues that the prose *artes* (such as the *Documentum*) were aimed at beginning students, while the more systematic verse *artes* (such as the *Poetria nova*) were directed to teachers. Marjorie Curry Woods distinguishes several levels among the commentaries (and versions of the same commentary) on the *Poetria nova*, from those addressed to elementary students, including quite young boys, to those addressed to university students: "An Unfashionable Rhetoric in the Fifteenth Century," *The Quarterly Journal of Speech* 75 (1989): 312–20; and "A Medieval Rhetoric Goes to School," 55–65.

together in a single manuscript. It differs, however, from the elementary- and even from the secondary-school readers in several important ways. Most obviously, while these other readers contain verse texts exclusively, the texts that accompany the *Formula* are almost entirely in prose. Only the *De planctu naturae* contains verse, and even that work is primarily in prose. Accordingly, among the pedagogical treatises that occur together with these texts there is nearly always at least one that is concerned exclusively with prose composition, as is the *Formula*, or that emphasizes prose as well as verse composition, as does Geoffrey of Vinsauf's *Documentum*.³⁰ A second difference is that the prose texts are less suited to function as an aid to learning Latin than as reference models for Latin composition and style. The Latin of these works is simpler than that of the secondary-school authors, despite the fact that, as I have shown, the students using them as models were often, perhaps usually, at the university level.

This set of models for advanced students of prose composition also differs from the *Libri Catoniani* in that its use seems to have been confined, with a few exceptions, to England and especially to Oxford, which was, throughout the medieval period, the preeminent English center for the study of grammar. Indeed, the grouping seems to have originated at Oxford around 1400, although it was not created *ex nihilo*. The *Morale somnium Pharaonis* and especially the *De planctu naturae* almost certainly provided a nucleus to which the other two texts were attracted. From an early date in their respective transmissions, both works occur frequently in the company of treatises on composition. In a German manuscript from the second half of the thirteenth century (Vienna, Österreichische Nationalbibliothek 526), the *Morale somnium Pharaonis* is copied together with five different collections of *dictamina*, or model letters and documents, which are in turn followed by a group of texts in a single hand, consisting of Bernardus Silvestris' *Cosmographia*, Geoffrey of Vinsauf's *Poetria nova*, and Horace's *Ars poetica*, each with accompanying commentary.³¹ The *Somnium* continues to appear together with *artes dictandi* and treatises on rhetoric in manuscripts from the fourteenth and fifteenth centuries.³² The *De planctu naturae* occurs

³⁰ Kelly, *Arts of Poetry and Prose*, 39–40, points out that all the *artes poetriae*, including the *Poetria nova*, could be and were applied to both prose and verse composition. See also Woods, *Commentary on the "Poetria nova,"* 8. This fact makes the preference for works that explicitly discuss prose composition, in the English manuscripts under discussion, all the more striking.

³¹ See Woods, *Commentary on the "Poetria nova,"* xliii–xliv.

³² In Prague, Statní knihovna CSR MS XII. B. 12 (s. xiv, parts dated 1375 and 1376; Bohemia), it is accompanied by three commentaries on arts of composition (including Dybinus on the *Poetria nova*) and a treatise on *dictamen* by Henry of Isernia; see J. Truhlár, *Catalogus codicum manuscriptorum latinorum qui in C. R. Bibliotheca Publica atque Universitatis*

in similar contexts in dozens of manuscripts, many of them English, from the thirteenth to fifteenth centuries.³³ Perhaps not unrelated to the popularity

Pragensis asservantur, part 2 (Prague, 1906), 177. "Magister Willelmus" on the *De inventione* and an anonymous treatise on rhetoric precede the *Morale somnium Pharaonis* in Bruges, Bibliothèque publique 553 (s. xiv); see A. de Poorter, *Catalogue des manuscrits de la Bibliothèque publique de la ville de Bruges* (Gembloux and Paris, 1934), 661–63. Jean's work occurs between two *dictamen* tracts in London, British Library Add. 62132A (s. xiv/xv; Fountains Abbey), a manuscript that also contains parts of a Latin grammar and of works on medicine and astronomy; see the *Sixth Report of the Royal Commission on Historical Manuscripts*, Part I: Report and Appendix (London, 1877), 356. There is no complete listing of manuscripts containing the *Morale somnium Pharaonis*, but it is perhaps significant that this work is transmitted with grammatico-rhetorical treatises and/or other of the remaining three texts from the Oxford group in all fourteen copies that I have been able to identify.

³³ The indispensable tool for the study of these manuscripts is the excellent and, unfortunately, still unpublished doctoral thesis of Jeanne Krochalis, "Alain de Lille: *De Planctu Nature*: Studies Towards an Edition" (Diss. Harvard, 1973). The following manuscripts described by Krochalis are of interest here:

Brno, University Library A.117 (IV.V.e.11) (s. xv, not later than 1477; Bergamo?); with two *dictamen* tracts.

London, British Library Cotton Cleopatra B.vi (s. xiv/xv; English?); with Geoffrey of Vinsauf, *Poetria nova* and (long) *Documentum*; Bernentinus, *Forma dictandi*.

London, British Library Harley 866 (s. xiv/xv; English?); with Ranulph Higden, *Ars componendi sermones*; anonymous *ars dictandi* (related to Geoffrey of Vinsauf's long *Documentum*; lacks beginning).

London, British Library Royal 12.E.xi (s. xv med.; English?); with *Poetria nova*.

Oxford, Balliol College 276 (ca. 1442; English, probably Oxford); with *Poetria nova*; Matthew of Vendôme, *Ars versificatoria*; Gervase of Melkley, *De arte versificatoria et modo dictandi*.

Oxford, Corpus Christi College 144 (s. xv, before 1450; Tynemouth); with *Poetria nova*.

Worcester, Cathedral Library Q. 79 (s. xvi¹; English); with Geoffrey of Vinsauf, *Poetria nova* and long *Documentum*.

Paris, Bibliothèque de l'Arsenal 763 (s. xv; Paris, St. Victor); verse extracts only, with two *artes dictandi* and a tract on composing "sermonem rithmicum."

Erlangen, Universitätsbibliothek 636 (parts dated by scribe 1453–62; Erfurt); with many works on rhetoric and *dictamen*, most of German provenance.

Munich, Bayrische Staatsbibliothek Clm 237 (1460 and later; Leipzig?); with *Poetria nova* and short treatises on meter and *colores*.

Wilhering, Stiftsbibliothek IX, 77 (s. xv; German?); in the last of six manuscripts bound together (in the fifteenth century?)—the first and fourth manuscripts contain several works on meter, and the fifth contains treatises on rhetoric, meter, and *dictamen*.

Bologna, Biblioteca Comunale dell'Archiginnasio A. 24 (s. xv in.; Venturoli); with several collections of epistolary forms and excerpts from the *Poetria nova*.

Venice, Biblioteca Nazionale Marciana Marc. lat. XIV.35 (1485; Italian); with Chiro Fortunaziano, Augustine, and Martianus Capella on rhetoric.

Bern, Bürgerbibliothek 506 (s. xv²); with an *Ars dicendi et epistolandi*.

A number of other manuscripts from her catalogue will be discussed below. Also relevant, and not included among the 138 manuscripts listed by Krochalis, is Toledo, Biblioteca del Cabildo 47-15 (s. xiii), in which the *De planctu naturae* is followed by five works on rhetoric, including the *De inventione*, the *Rhetorica ad Herennium*, and Aristotle's *Rhetoric*; see G. Lacombe, *Aristoteles Latinus*, part 2 (Cambridge, 1955), p. 853, no. 1234. Winchester, College

of *De planctu naturae* in England as a “masterpiece” used to teach literary composition is the fact that its prose passages are explicitly cited as models in Geoffrey of Vinsauf’s longer *Documentum de modo et arte dictandi et versificandi*, a textbook used almost exclusively in England.³⁴

Given the popularity of both the *De planctu naturae* and the *Morale somnium Pharaonis* and the shared context of their transmission, it is not surprising that they should be copied together in the same manuscript. This occurs only twice in manuscripts dated before ca. 1400. A manuscript written mainly by Otto de Pesing in 1279–80 (Munich, Bayrische Staatsbibliothek Clm 565) includes the following works: John de Limoges, *Libellus de dictamine et dictatorio syllogismorum*;³⁵ Geoffrey (of Vinsauf?), *Summa de arte dictandi*;³⁶ the *De planctu naturae*; an anonymous *De arte dictandi* (in a fourteenth-century hand); Ludolf of Hildesheim, *Summa dictaminis*; an anonymous treatise *De coloribus rhetoricis*; and the *Morale somnium Pharaonis*.³⁷ In a second German manuscript (Munich, Bayrische Staatsbibliothek Clm 15956, s. xiv; Salzburg, St. Peter), written by several scribes, the *De planctu naturae* is copied among religious works, while the *Morale somnium Pharaonis* occurs later, immediately preceded by John of Bologna’s *Summa notariae* and “Plurime formule epistolarum Salzburge scriptarum.”³⁸ These two German prototypes of the Oxford pattern may well represent isolated occurrences rather than an established tradition. But given the fact that the only late examples of the pattern outside England are also in German manuscripts, it is possible that the Oxford masters took over and expanded a text grouping that had originated over a century earlier, in southern Germany and Austria.³⁹

Library 41 (s. xv; English) may also be relevant, though the *De planctu naturae* occurs not with composition treatises but with collections of letters by Barzizza (1407–8) and Aretinus (1404–6). Krochalis anticipates my conclusion that the *De planctu naturae* may have been read as a model of ornate style (pp. 535–40).

³⁴ On the reference to *De planctu naturae* in the longer *Documentum*, see Kelly, *Arts of Poetry and Prose*, 84 n. 163. On the English transmission of the longer *Documentum*, see Camargo, “Toward a Comprehensive Art,” 178–86.

³⁵ Edited by Horváth in *Johannis Lemovicensis Opera* 1:1–68.

³⁶ Edited by Vincenzo Licitra, “La *Summa de arte dictandi* di Maestro Goffredo,” *Studi medievali*, 3d ser., 7 (1966): 865–913.

³⁷ See Krochalis, “Alain de Lille,” 274–76; and C. Halm and G. Laubmann, *Catalogus codicum latinorum Bibliothecae Regiae Monacensis*, vol. 1, part 1, 2d ed. (Munich, 1892), 156.

³⁸ See Krochalis, “Alain de Lille,” 279–82; and C. Halm et al., *Catalogus codicum latinorum Bibliothecae Regiae Monacensis*, vol. 2, part 3 (Munich, 1878), 42–43.

³⁹ The following are the later German examples:

Bonn, Universitätsbibliothek 724 (119 C) (s. xv med., all but one item dated 1456; German, at least part in Erfurt); the *Morale somnium Pharaonis*, the *De planctu naturae*, and Bene of Florence’s *Candelabrum*.

Regardless of whether the English teachers were responsible for establishing the nucleus of the group—the *De planctu naturae* and/or the *Morale somnium Pharaonis* (together with one or more composition treatises, in particular those by Geoffrey of Vinsauf)—there is little doubt that they were responsible for adding the remaining two components of the Oxford group—the *Philobiblon* and the *Historia destructionis Troiae*. Composed barely half a century before the group was formed, Richard of Bury's *Philobiblon* was by far the more popular of the new members. Its conjunction with the *De planctu naturae* is chiefly an English phenomenon.⁴⁰ Indeed, the two seem to have formed a popular “reader” on their own: in three manuscripts they occur with treatises on composition but without any other component of the Oxford group,⁴¹ and they occur together in four more manuscripts, in three of them as the only contents.⁴²

The least frequently encountered member of the group, Guido de Columnis' *Historia destructionis Troiae*, is nonetheless important for suggesting a likely catalyst in the formation of the set of model texts. Guido's work always occurs either in a set of “unaccompanied” model texts, like the one sometimes made up of the *De planctu naturae* and the *Morale somnium Pharaonis*, or in the company of Merke's *Formula moderni et usitati*

Basel, Universitätsbibliothek A.X.143 (s. xv; Basel); the *Philobiblon* and the *Morale somnium Pharaonis* (i.e., “reader” only).

On the Bonn manuscript, see Alessio, ed., *Bene Florentini Candelabrum*, pp. LIX–LX; on the Basel manuscript (formerly B.VIII.11), see Philipp Schmidt, “Die Bibliothek des ehemaligen Dominikanerklosters in Basel,” *Basler Zeitschrift für Geschichte und Altertumskunde* 18 (1919): 224.

⁴⁰ See Krochalis, “Alain de Lille,” 539.

⁴¹ Durham, University Library Cosin V.V.2 (s. xvi; English); with the *Poetria nova*. London, British Library Add. 24361 (s. xv; York, St. Mary's); with Merke's *Formula moderni et usitati dictaminis*.

Oxford, Bodleian Library Digby 147 (s. xv; Priory of St. Mary de Merton, Surrey); with brief tracts on versification, scattered among thirty-four items.

In another two English manuscripts, the *Philobiblon* is accompanied by one or more composition treatises but not by the *De planctu naturae*:

London, British Library Cotton App. 4 (s. xv in.); with four of Guido Faba's works on *ars dictaminis*.

Oxford, Magdalen College lat. 6 (s. xiv/xv); with part of Bernentinus.

The fullest list of *Philobiblon* manuscripts is in Altamura, *Philobiblon*, 19–39, which is supplemented and updated by MacLagan, *Philobiblon*, lxx–lxxiii.

⁴² Cambridge, Trinity College R.9.17, part II (s. xv; Christ Church Canterbury?); London, British Library Arundel 335 (s. xv); British Library Harley 492 (Altamura: ca. 1425; Krochalis: s. xiv; English). In Cambridge, St. John's College 115 (s. xv in.; English), the two are copied with nine other works but are separated from each other only by a brief *Disputacio* by William of Ockham.

dictaminis.⁴³ Within the *Formula* itself, in the chapter on expanding the *narratio* of a letter, Merke himself twice refers the reader to Guido for examples of a particular figure: “Est autem apostrophacio color rethoricus, quando scilicet in narratione subsistimus et conuertimus sermonem ad nosipsos vel ad aliam rem animatam vel inanimatam. In qua coincidit prosopopeya, quando conuertimus sermonem ad rem inanimatam tantum, vt incusando fortunam vel mortem pro subtraccione alicuius. Secundo exclamacio, que semper fit cum tali interieccione ‘O,’ doloris vel gaudii causa. De quibus in libello vulgari quem Guydo de Columpnis edidit *De bello troiano* plurima et diffusa patent exempla, que hic breuitatis causa pertranseo” (lines 381–89), and later, “Descriptio eciam materiam adauget, quando scilicet narrationem dimittentes, discribimus personam, locum vel tempus. De quibus omnibus <in libro> preallegato *De bello troiano* plurima patent exempla” (lines 474–77). It is not inconceivable that Merke himself, or one of the teachers who used his *Formula*, established the selection of prose models that accompany it and other textbooks in so many English manuscripts from the late fourteenth century on, a possibility about which I shall

⁴³ For the former, see the following two manuscripts:

London, British Library Royal 15.C.xvi (s. xiv ex.; London, Hospital of St. Thomas of Acon); with the *Philobiblon* and the *De planctu naturae*.

Vatican City, Biblioteca Apostolica Vaticana Reg. lat. 682 (s. xiv/xv; English); with the *De planctu naturae* (Krochalis, “Alain de Lille,” 388, notes that this version of the *De planctu naturae* resembles the one usually found in English manuscripts that also contain the *Philobiblon*) and the *Morale somnium Pharaonis*.

For the latter, see the following:

Dublin, Trinity College 427 (s. xv^l, before 1415; Oxford University, Merton College); with the *De planctu naturae*.

Oxford, Balliol College 263 (s. xv in.; English); with the *Morale somnium Pharaonis*, the *Philobiblon*, and composition treatises by Bernentinus, Geoffrey of Vinsauf (both the *Poetria nova* and the long *Documentum*), Gervase of Melkley, and Matthew of Vendôme.

Lyon, Bibliothèque de la Ville 223 (s. xiv; French) also contains the *De planctu naturae* and the *Historia destructionis Troiae* (only contents), each copied in a different hand. But there were no other cases of Guido’s work being transmitted with the other three texts of the Oxford group in more than 250 manuscripts consulted for this study (including more than fifty containing the *Historia destructionis Troiae*). In Paris, Bibliothèque Nationale lat. 7717 (s. xv), the first ten books of the *Historia destructionis Troiae* are found together with the *Rhetorica ad Herennium*, John of Bonandrea’s *Ars dictaminis*, and Johannes Candidus’s *Liber artis novae epistolarum*; but this context seems to be equally exceptional in the transmission of Guido’s history. C. David Benson, *The History of Troy in Middle English Literature: Guido delle Colonne’s “Historia destructionis Troiae” in Medieval England* (Woodbridge, Suffolk, 1980), 6, says that as many as 150 copies of the *Historia* may survive, though he does not list them. If this estimate is correct, then I have seen descriptions of only a little more than a third of the extant manuscripts.

have more to say later. It is also possible that the *De planctu naturae*, the *Morale somnium Pharaonis*, and the *Philobiblon* were already being used for this purpose when Merke came to write his textbook and that the occasional presence of the *Historia destructionis Troiae* is simply the result of Merke's influence. In any case, the great length of Guido's work, coupled with its relative lack of stylistic ornament, is doubtless responsible for its apparent failure to establish itself to the same degree as the other members of the group.⁴⁴

Given the existence of other, better-known, and more cohesive readers, what need justified the creation of a new, less well-defined cluster? What made *De planctu naturae*, *Morale somnium Pharaonis*, *Historia destructionis Troiae*, and *Philobiblon*, individually and as a group, appealing to the sort of student who used them in conjunction with the treatises of Merke, Geoffrey of Vinsauf, and other grammarians and *dictatores*? The *De planctu naturae* is a special case for several reasons. It is the earliest of the four, by sixty-five years or more, depending on the date of Jean's *Somnium*. It is also alone in combining prose with verse, a form often distinguished by the *dictatores* as *dictamen prosimetricum*, and one traditionally employed for treating philosophical themes (as, for example, by Boethius and Bernardus Silvestris). Finally, in *De planctu naturae* Alain employs a wider range of stylistic devices than any of the other authors, including some

⁴⁴ Even in one manuscript containing Merke's *Formula*, the *Historia destructionis Troiae* is the only constituent of the Oxford group that is missing: Oxford, St. John's College 172 (s. xv in.; Oxford, Exeter College?).

The five English collections that have not been mentioned yet are all restricted to the three more popular model texts:

London, British Library Harley 3224 (s. xiv/xv; Canterbury, St. Augustine's Abbey); the *De planctu naturae*, the *Philobiblon*, the *Morale somnium Pharaonis*, and a *Forma dictandi* (also in Cotton Cleopatra B.vi).

Oxford, Bodleian Library Douce 147 (s. xv; English?); the *De planctu naturae*, the *Morale somnium Pharaonis*, and the long *Documentum*.

Douai, Bibliothèque Municipale 764 (s. xv in.; Oxford, Merton College); the *De planctu naturae*, the *Morale somnium Pharaonis*, the long *Documentum* and the *Poetria nova*, an *ars dictaminis* (also in Balliol College 263), and Gervase of Melkley's *Ars versificatoria*.

Canterbury, St. Augustine's Abbey 951 (lost); the *De planctu naturae*, the *Morale somnium Pharaonis*, the *Poetria nova*, and, possibly, the *Documentum*.

Canterbury, St. Augustine's Abbey 954 (lost); the *Morale somnium Pharaonis*, the *De planctu naturae*, and a *Tractatus de arte dictandi*.

The last two manuscripts are recorded in a catalogue compiled shortly before 1497 (now Dublin, Trinity College 360), which was edited by Montague Rhodes James, *The Ancient Libraries of Canterbury and Dover* (Cambridge, 1903), 298 and 299. A chart of the various combinations in the manuscripts that contain the Oxford group of prose models is provided in the Appendix below.

devices (e.g., *antithesis*) found in none of the other texts and some (e.g., the varieties of *transumptio*) given special emphasis by Merke.

As a group, the remaining three texts offer the student of prose style models for the strict observance of the *cursus*, the system of rhythmical clause endings that by the end of the twelfth century was an obligatory part of instruction in the *ars dictaminis*. This should come as no surprise, since the biographies of all three later authors link them to environments in which the *ars dictaminis* was taught and practiced. Guido de Columnis was a judge, as he informs us in the prologue to the *Historia*,⁴⁵ and Richard of Bury began his secular career as a king's clerk (1312–25) and rose to the office of chancellor under Edward III (1334–35). Moreover, during his service as a clerk, Richard compiled the *Liber epistolaris* (1324–25), a collection of *dictamina* for use as models of style.⁴⁶ Similarly, Jean de Limoges composed an *ars dictandi*, the *Libellus de dictamine et dictatorio syllogismorum*, in which he propounded the very stylistic doctrines embodied in the epistolary mirror for princes, the *Morale somnium Pharaonis*.⁴⁷ Richard is the most skillful practitioner of the *cursus*,⁴⁸ but all three resemble each other, for example, in markedly preferring the *velox* over the *planus* and *tardus* for ending a period. Alain, on the other hand, is much less regular in adhering to the *cursus* and also stands apart by virtue of preferring the *tardus* over all other cadences, both medially—where most *dictatores*, Merke included (lines 530–36), recommend its use—and finally, where it is almost never used in the other three texts.

The four works also mark out a hierarchical scale of stylistic ostentation, with Jean's *Somnium* at the ornate extreme and Guido's *Historia* at the

⁴⁵ On this aspect of Guido's career, see especially Raffaele Chiàntera, *Guido delle Colonne* (Naples, 1956), 15–27.

⁴⁶ Noel Denholm-Young, ed., *The "Liber Epistolaris" of Richard de Bury* (Oxford, 1950). Also see "Richard de Bury (1287–1345) and the *Liber Epistolaris*," in *Collected Papers of N. Denholm-Young* (Cardiff, 1969), 1–41 (a revised and expanded version of "Richard de Bury [1287–1345]," *Transactions of the Royal Historical Society*, 4th ser., 20 [1937]: 135–68).

⁴⁷ Edited by Horváth in *Johannis Lemovicensis Opera* 1:1–68.

⁴⁸ Denholm-Young, "Richard de Bury (1287–1345) and the *Liber Epistolaris*," 34–35: "The key to the style of the *Philobiblon* . . . is that it is written strictly according to the rules of the *cursus curie romane*. Some writers, like Dante, adopted a broader interpretation of what rhythmical prose meant, but none obeyed more strictly than Bury, not even the composers of papal bulls, the rules of the three endings—*planus*, *tardus*, and *velox*—which made up the medieval theory of the mode in which he wrote—*levissimo stylo modernorum*. In his obedience to rule, in his subtle use of compound *clausulae*, in all the rhetorical devices of the age, he is unexcelled." On other aspects of Richard's style, see also Charles Christopher Mierow, "Mediaeval Latin Vocabulary, Usage, and Style: As Illustrated by the *Philobiblon* (1345) of Richard de Bury," *Classical Philology* 25 (1930): 348–50; and Jean de Ghellinck, "Un évêque bibliophile au xiv^e siècle: Richard Aungerville de Bury (1345)," *Revue d'histoire ecclésiastique* 18 (1922): 300–301, and vol. 19 (1923): 196–98.

opposite end. They could thus be used to exemplify any of the three traditional levels of style, or to illustrate related distinctions, such as that between *gravitas/ornatus difficilis* and *levitas/ornatus facilis*.⁴⁹ In fact, any pairing of texts from the group offers interesting stylistic contrasts. There is no question that Jean writes in the high style, as befits the rank of Pharaoh. Alain's prose style is also highly ornamented in places, notably in the complaint itself, but modulates to a lower register in the dialogue between Nature and the Dreamer. Although Richard pointedly links his style, the "levissimus stilus modernorum," to the lower end of the register (Prologue), he still uses quite a bit more ornament than Guido, whose style is very plain indeed, lacking most "local" stylistic effects other than the *cursus*.⁵⁰ That Guido was valued mainly for his use of "large scale" techniques is confirmed by Merke himself, in the passages cited earlier from his chapter on the *narratio*, where he explicitly refers to Guido's *Historia* as a rich source for examples of *apostrophacio* and *descriptio*. Merke could have mentioned *digressio* as well.

Alain employs all these techniques and a host of others: the *De planctu* is a virtual anthology of stylistic ornament, and that fact has much to do with its widespread use as a textbook for teaching literary composition. Jean, though also a master of *amplificatio*, prefers to use *circumlocutio* and *interpretatio*, especially combined with *homoeoteleuton*. Every sentence, in fact, draws attention to its style with abundant figures of sound and sense, most noticeably paranomasia, *traductio*, *commutatio*, and alliteration. Richard also employs such figures as paranomasia, rhyme, assonance, and alliteration, but he does so with greater restraint, often reserving them for climactic sentences where the heightening is effective rather than purely ornamental. But he is not averse to more sustained effects, as, for example, in the long apostrophe of chapters 4–7, in which the books address those who abuse them. In general, Richard's style is more elegant than Guido's, without the excesses of Alain's or Jean's.

⁴⁹ For most medieval writers and teachers, the "levels of style" had to do not with aesthetic distinctions but with the social level of the persons or subjects treated. But in his masterful study of the fate of the classical *genera dicendi* in the Middle Ages, Franz Quadlbauer shows how a distinction based on use of the tropes as opposed to the other figures also developed, possibly from the older schema, especially in the works of Geoffrey of Vinsauf: *Die antike Theorie der genera dicendi im lateinischen Mittelalter* (Vienna, 1962), 105–12.

⁵⁰ Near the end of the *Historia*, Guido alludes to the relative lack of ornament, pleading the great length of the narrative (and his consequent fear of never finishing it): "Et ego hystoriam ipsam ornassem dictamine pulchriori per ampliores methaphoras et colores et per transgressiones occurrentes, que ipsius dictaminis sunt picture; sed territus ex magnitudine operis, ne dum occasione magis ornati dictaminis opus ipsum longa narratione protraherem, . . . in tantum institi . . . quod infra tres menses . . . opus ipsum in totum per me perfectum extitit et completum" (ed. Griffin, pp. 275–76).

Guido's *Historia* and especially Jean's *Somnium* must also have appealed to students of *dictamen* in a more direct way, as containing models of the kind of texts that they themselves might have been expected to produce. The *Somnium* consists of twenty letters, most of them arranged in pairs (e.g., Pharaoh to Magi / Response of Magi; Pharaoh to Ministers / Response of Ministers; Pharaoh to Joseph / Response of Joseph) and labeled with descriptive rubrics, exactly as in the model-letter collections of the *dictatores*. Besides using the *cursus*, Jean observes other elements of epistolary decorum, such as the formulas proper to the *salutatio*, although he elaborates them to extremes rarely found either in genuine letters or in classroom models. He is typical of the Cistercian *dictatores* in seizing every opportunity to insert scriptural authorities, even when, as in the letters of Pharaoh, the result is fatal to any vestige of verisimilitude.⁵¹ Guido's *Historia* abounds not in letters but in formal speeches of the type assigned to deliberative oratory. This genre of prose had begun to concern the Italian *dictatores* already in the early thirteenth century, and, by the time Guido wrote, the genre had been systematized in the *ars arengandi*. While the English did not cultivate the form to the same extent as the Italians did, the structure of the speeches and many of the opening formulas resemble those of the public letters and documents that were the chief concern of those who studied the *ars dictaminis*.⁵²

I have stressed the stylistic dimension of these works not to deny the appeal that their contents must have had but rather to account for the selection of just these four works as opposed to other equally edifying prose texts. The praise of learning in the *De planctu naturae* and the *Philobiblon* and the moral and political lessons of the *Somnium* and the *Historia* must have made them all the more attractive, but their contents alone cannot account for their inclusion in the group of manuscripts under study. The fact that they are consistently grouped together in those manuscripts with

⁵¹ Ronald Witt has observed that between the late twelfth century and the mid-thirteenth century there is a noticeable increase in the use of biblical quotations by the *dictatores*, particularly those who employ the *stilus rhetoricus*. He speculates that the crusade sermons may have influenced this predilection. See, e.g., *Coluccio Salutati and His Public Letters* (Geneva, 1976), 34–35, and "Medieval 'Ars Dictaminis' and the Beginnings of Humanism: A New Construction of the Problem," *Renaissance Quarterly* 35 (1982): 14–15.

⁵² Already in the Carolingian period, letters and speeches were grouped together. See, for example, the *florilegium* of Sallust in Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 3864 (s. ix med.; Corbie); L. D. Reynolds and N. G. Wilson, *Scribes and Scholars: A Guide to the Transmission of Greek and Latin Literature* (Oxford, 1968), 83 (I wish to thank Carol D. Lanham for this reference). Since letters were typically read aloud in public during the Middle Ages, the distinction between them and speeches was never hard and fast in any case.

the treatises of instruction in the verbal arts, rather than with thematically more similar materials sometimes found in the same manuscripts (e.g., treatises on the interpretation of dreams in Oxford, St. John's College 172, which also contains the *Somnium*), is further evidence that they are included primarily as models of Latin prose style. While the four texts never constituted a reader in the narrower sense of the *Libri Catoniani*, it is highly probable that they clustered together as a set of models from which two or three might be chosen to accompany one or more treatises on prose composition and, optionally, treatises on verse composition as well.

Who would have used such collections of composition treatises and model texts and for what purpose? Although all the codicological evidence points to a university environment and to Oxford in particular, there is some support for linking the codices to the teaching of literary composition in the upper levels of the grammar schools. The 1309 statutes of the grammar school at St. Albans required students who wished to attain the dignity of bachelor to pass a final examination in which they produced compositions on a set theme in metrical verse, rhythmical verse, and epistolary prose.⁵³ If a similar procedure was followed in the grammar schools that operated in Oxford under the university's supervision, then it is easy to see how the collections of composition textbooks and model texts might have been useful in preparing students for their examinations. In fact, David Thomson has observed a similarity between the examination at St. Albans and the regulations in the Oxford university statutes (before 1313) governing those who taught in the Oxford grammar schools and especially those who took the Master of Grammar degree, and Thomson suggests that "the composition of Latin was regarded as the summit of the grammar school course."⁵⁴ According to one statute, masters of grammar had to be examined "de modo versificandi et dictandi et de auctoribus et partibus" in order to be licensed by the chancellor of the university;⁵⁵ and the statute specifying the content of the instruction to be offered by those masters calls for setting exercises in composing *versus* and *litterae* every two weeks.⁵⁶ It is thus conceivable that the collections under discussion played a role in the preparation for the M.Gram. degree and/or in the instruction offered by licensed masters of grammar at Oxford.

⁵³ See Orme, *English Schools in the Middle Ages*, 101.

⁵⁴ Thomson, "Grammar Masters Revisited," 305. Several contemporary Italian cities, in particular Bologna, supported pre-university grammar masters through a university: see Paul F. Grendler, *Schooling in Renaissance Italy: Literacy and Learning, 1300-1600* (Baltimore and London, 1989), 23-29.

⁵⁵ Thomson, "Grammar Masters Revisited," 304.

⁵⁶ *Ibid.*, 305. Such exercises would constitute the third part of the pedagogical program described by Kelly, *Arts of Poetry and Prose*, 41-44.

Two features of the collections contradict this hypothesis. In the first place, as was pointed out earlier, the hypothesis does not explain the presence of natural scientific, medical, legal, and theological materials in the manuscripts, since neither the masters of grammar nor their students typically proceeded to the M.A. or the higher faculties, especially in the later fourteenth century, when the M.Gram. degree became increasingly a credential for teaching grammar at schools other than those at Oxford.⁵⁷ The mere presence of such materials in a given manuscript does not necessarily rule out a grammar-school context: all these subjects were represented among the books that William de Tolleshunt bequeathed in 1328 to St. Paul's Almonry School "ad usum puerorum."⁵⁸ But the presence of university texts in a number of the manuscripts makes it less likely that the manuscripts were typically used in the grammar schools. A further objection is that nearly all the model texts are exclusively in prose. One would expect at least some of the typical secondary-school poets to accompany the prose authors if the primary purpose of such codices were to prepare students for their comprehensive Latin composition examinations or to aid grammar masters in teaching the fundamentals of composition in Latin verse and prose. Indeed, Thomson notes a "strong preference for verse authors in the reading texts" found in fourteenth-century Oxford grammar-school manuscripts.⁵⁹ The usual absence of verse models may suggest that the present codices were supplemented by a second, equally specialized type of codex, or that the function of the prose composition collections was less closely tied to formal pedagogy than we have been assuming.⁶⁰

Alternatively, perhaps the prose composition collections are to be associated less with the masters of grammar who actually taught composition than with aspiring masters of arts or even masters of arts themselves, two of whom were assigned to superintend the grammar masters.⁶¹ While Merke, as a Benedictine, need not have taken the M.A.,⁶² he was at the equivalent

⁵⁷ Thomson, "Grammar Masters Revisited," 301-3; and Damian Riehl Leader, "Grammar in Late-Medieval Oxford and Cambridge," *History of Education* 12 (1983): 11-13.

⁵⁸ Edith Rickert, "Chaucer at School," *Modern Philology* 29 (1931-32): 258.

⁵⁹ Thomson, "Grammar Masters Revisited," 307.

⁶⁰ Of twenty-two manuscripts that contain two or more of the model texts, with or without accompanying composition textbooks, only five contain even one poem, other than the verses in the *De planctu naturae* and the brief *Vix nodosum*, which is frequently copied as an appendix to Alain's work (see Krochalis, "Alain de Lille," 545-640).

⁶¹ Thomson, "Grammar Masters Revisited," 299-300.

⁶² W. A. Pantin, "Gloucester College," *Oxoniensia* 11-12 (1946-47): 69. A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500*, 3 vols. (Oxford, 1957-59), 2:1263-64, makes no mention of Merke's having taken the M.A.

stage in his studies when he composed his *Formula*. And it is entirely possible that the custom of accompanying the *Formula* and other *artes dictandi* and “arts of poetry and prose” with one or more of the four model texts originated with Merke himself or with those for whom he wrote. Monks who were sent to Gloucester College, where Merke probably studied, were dispensed from the requirement to graduate in arts before proceeding to theology or canon law; but they were expected to have studied arts for several years, either at their monasteries or at the university. This instruction seems often to have occurred at the college itself, where one of the monk students who had not yet taken his degree in theology was assigned to lecture in “philosophy” (i.e., arts) to the junior monk students.⁶³ It is apparently this practice to which William Courtenay alludes when he observes that “Gloucester College provided remedial work in grammar and the basic courses in philosophy alongside the lectures on the Bible and the *Sentences*.”⁶⁴

That the *Formula* was intended for use in this supplementary course and was at least initially so used is suggested by the fact that two of the three best manuscripts of the *Formula* belonged to Benedictine houses.⁶⁵ The use of the *Formula* and the practice of copying it and/or other treatises on composition with one or more of the four model texts quickly spread beyond the Benedictine context during the fifty years following its composition. The *Formula* accompanies the model texts in codices from Merton College (Dublin, Trinity College 427) and from Exeter College (Oxford, St. John’s College 172); other composition textbooks accompany the model texts in a second codex from Merton College (Douai, Bibliothèque Municipale 764); and the *Formula* occurs without model texts in a codex from Cambridge University (Oxford, Bodleian Library Rawl. D.232). This could mean that other colleges may have offered remedial courses similar to the one at

⁶³ Pantin, “Gloucester College,” 69.

⁶⁴ William J. Courtenay, *Schools and Scholars in Fourteenth-Century England* (Princeton, 1987), 80. On Gloucester College, see especially Pantin, “Gloucester College,” 65–74. V. H. Galbraith, “New Documents about Gloucester College,” in *Snape’s Formulary and Other Records*, ed. H. E. Salter, Oxford Historical Society 80 (Oxford, 1924), 337–86b, contains little information about teaching. Brief treatments of Gloucester College and the other two Benedictine houses at Oxford, Canterbury College and Durham College, can be found in David Knowles, *The Religious Orders in England*, vol. 2 (Cambridge, 1955), 14–24; H. E. Salter, “Religious Orders,” in *The Victoria History of the County of Oxford*, vol. 2, ed. William Page (London, 1907), 68–71; and M. W. Sheehan, “The Religious Orders 1220–1370,” in *The History of the University of Oxford*, vol. 1: *The Early Oxford Schools*, ed. J. I. Catto (Oxford, 1984), 213–18.

⁶⁵ London, British Library Add. 24361 belonged to the Benedictine Abbey of the Blessed Virgin Mary at York, and Oxford, Bodleian Library Selden Supra 65 belonged to Canterbury College, Oxford. The best manuscript, Lincoln, Cathedral Library 237, is closely related to these two.

Gloucester College, if indeed that course included composition instruction.⁶⁶ Most of the codices studied here lack conclusive evidence of the sort of pedagogical function clearly indicated in the codices preserving the more pragmatic textbooks of Thomas Sampson, William Kingsmill, and other teachers of the “business course,” which attracted students similar to those of the grammar masters.⁶⁷ The absence of such evidence could indicate a variety of functions for the codices, perhaps including classroom instruction, but not limited to formal pedagogy.

This latter possibility I take to be consistent with Susan Gallick’s argument that certain English collections of rhetorical treatises were meant to serve as “reference manuscripts on style and composition” for students at the higher academic levels.⁶⁸ Indeed, along with the thirteenth-century manuscript Glasgow, University Library Hunterian Museum 511, she cites two of the Merke manuscripts here discussed (Oxford, Balliol College 263 and Bodleian Library Selden Supra 65) as her examples of such collections. The absence of verse models would then be explained by the practical needs of those who used these reference collections. Although no longer actively engaged in the study of Latin grammar and composition (having been admitted to the university), aspiring arts masters, lawyers, medical doctors, and theologians were nonetheless writers of Latin prose. Allowing for differences in stylistic norms, we should perhaps imagine for Merke’s *Formula* and its accompanying model texts something of the same function performed today by style sheets, guides to usage, thesauruses, and certain specialized manuals. Their place, in other words, was not in the classroom but in the scholar’s study and on the professional writer’s desk.

⁶⁶ John M. Fletcher, “The Teaching of Arts at Oxford, 1400–1520,” *Paedagogica Historica: International Journal of the History of Education* 7 (1967): 417–54, makes no mention of composition instruction in the regular teaching done by the Arts Faculty, though he acknowledges (454) that he has examined fully neither “all aspects of the faculty’s curriculum” nor “the important teaching contribution of the halls and colleges” (where we would expect any such instruction to have occurred). Leader believes that what remedial instruction in grammar existed was provided by “university grammarians [i.e., holders of the M.Gram.?] who taught in their own academical halls” (“Grammar in Late-Medieval Oxford and Cambridge,” 10). By the fifteenth century, the study of grammar in the regular arts curriculum at Oxford seems chiefly to have concerned “modal grammar” as set forth in the speculative grammars, of which Thomas of Erfurt’s was the most popular. See Fletcher, “Teaching of Arts,” 449–50; Leader, “Grammar in Late-Medieval Oxford and Cambridge,” 10–11.

⁶⁷ Thomson, “Grammar Masters Revisited,” 303, points out that teachers of both types are explicitly grouped together in a 1432 statute regulating their teaching and their relation to the university.

⁶⁸ “Rhetorical Arts in England,” 79.

APPENDIX

Manuscripts Containing at Least Two of the Oxford Prose Model Texts

Key:

Dpn	Alain de Lille, <i>De planctu naturae</i>
MsP	Jean de Limoges, <i>Morale somnium Pharaonis</i>
HdT	Guido de Columnis, <i>Historia destructionis Troiae</i>
Ph	Richard of Bury, <i>Philobiblon</i>
P	Geoffrey of Vinsauf, <i>Poetria nova</i>
D	Geoffrey of Vinsauf, <i>Documentum de modo et arte dictandi et versificandi</i> (long version)
F	Thomas Merke, <i>Formula moderni et usitati dictaminis</i>
AD	other <i>ars dictandi</i>
AC	other composition textbook, not directly treating <i>ars dictaminis</i>

Contents

	Dpn	MsP	HdT	Ph	P	D	F	AD	AC
<i>English manuscripts:</i>									
St. Augustine's									
Canterbury 951	X	X			X	?			
St. Augustine's									
Canterbury 954	X	X						X	
Dublin Trinity 427	X		X				X		X
Durham Cosin V.V.2	X			X	X				
BL Add. 24361	X			X			X		
Harley 3224	X	X		X				X	
Digby 147	X			X					X
Douce 147	X	X				X			
Balliol 263		X	X	X	X	X	X	X	X
Oxford St. John's 172	X	X		X			X	X	X
Douai 764	X	X			X	X		X	X
<i>Other manuscripts:</i>									
Bonn 724	X	X						X	
Munich 565	X	X						X	X
Munich 15956	X	X						X	

Unaccompanied models

	<i>Contents</i>			
	Dpn	MsP	HdT	Ph
<i>English manuscripts:</i>				
Cambridge Trinity R.9.17	X			X
Cambridge St. John's 115	X			X
Arundel 335	X			X
Harley 492	X			X
Royal 15.C.xvi	X		X	X
Vat. Reg. lat. 682	X	X	X	
<i>Other manuscripts:</i>				
Basel A.X.143		X		X
Lyon 223	X		X	

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FOUR UNEDITED PRAYERS IN LONDON, BRITISH LIBRARY COTTON TIBERIUS A.iii

Phillip Pulsiano and Joseph McGowan

INTRODUCTION

LONDON, British Library Cotton Tiberius A.iii (s. xi) contains four previously unedited Old English confessional prayers at fols. 44r–45v (Ker 186, art. 9 [a]),¹ 46v–47r (Ker 186, art. 9 [d]), 47r–48r (Ker 186, art. 9 [e]), and 48r–50v (Ker 186, art. 9 [f]). The incipits are as follows: (I) “Eala þu ælmihtiga god unasecgendlicere mildheortnesse” (as Ker notes, a translation, at first, of the prayer “Deus inestimabilis misericordiæ, Deus immensæ pietatis”);² (II) “Min drihten leof for þinre þære mycelan mildheortnysse”; (III) “Min drihten god ælmihtig ic þe eom ándetta minra synna”; (IV) “[M]in drihten ælmihtig god si ðe wuldor 7 þanc.” The same prayers are to be found in London, British Library Royal 2.B.v (Regius Psalter), fols. 197r–198r (Ker 249, art. g), 6v (Ker 249, art. c), 190v–192r (Ker 249, art. d), and 192r–196v (Ker 249, art. e) respectively.³ The second prayer in Tiberius A.iii also appears in Cambridge, Corpus Christi College [CCCC] 391, pp. 601–3 (Ker 67, art. a).⁴

¹ Ker numbers refer to items in N. R. Ker, *Catalogue of Manuscripts Containing Anglo-Saxon* (Oxford, 1957; rpt. 1990 with supplement), 243–44.

² PL 101:524–26. The Latin text is to be found in the following English manuscripts: London, British Library Cotton Vespasian A.i (Vespasian Psalter), fols. 156v–157v; British Library Cotton Galba A.xiv, fols. 53r–57r; British Library Arundel 155, fols. 175v–177v; and Vatican City, Biblioteca Apostolica Vaticana Reg. lat. 12, fols. 177r–179r. The text in Galba A.xiv was edited by Bernard James Muir, *A Pre-Conquest English Prayer Book (BL MSS Cotton Galba A.xiv and Nero A.ii (ff. 3–13))*, Henry Bradshaw Society 103 (Woodbridge, Suffolk, 1988), 70–73. The prayer in Arundel 155 is glossed in Old English; both texts were printed by H. Logeman, “Anglo-Saxonica Minora (I),” *Anglia* 11 (1889): 115–19, who also prints (119–20) variants from the Latin text of Vespasian A.i. See also his comment at p. 111. For further discussion, see Max Förster, “Zu den Ae. Texten aus MS. Arundel 155,” *Anglia* 66 (1942): 54–55.

³ Ker, *Catalogue*, 319.

⁴ Ker, *Catalogue*, 113. The intervening Old English prayer on fols. 45v–46r of Tiberius A.iii, which is preceded by a brief introduction beginning “Man mot hine gebidden swa swa he mæg 7 cān” (Ker 186, art. 9 [b]), was edited twice by Max Förster in “Beiträge zur mittelalterlichen Volkskunde III,” *Archiv für das Studium der neueren Sprachen und Literaturen*

The prayers in Tiberius A.iii were first transcribed by Francis Junius in the seventeenth century (Oxford, Bodleian Library Junius 63, pp. 1–4, 5–6, 6–8, and 8–13 respectively). The first prayer also appears in a transcript appended to a *Rules of Gothic Grammar*, written before 1917, and housed in the Rare Book and Manuscript Library at Columbia University (shelfmark X827.95.M319). The appended text, which is written in an imitation Anglo-Saxon hand and is copied directly from Junius's transcription, lacks a number of pages, breaking off at *cépte* (I.42).⁵ In 1889, Henri Logeman published an edition of the prayers in Royal 2.B.v. and collated them with those in Tiberius A.iii.⁶ Julius Zupitza's 1890 edition of the prayer in CCCC 391 collates it with the corresponding prayer in both Tiberius A.iii (prayer II) and Royal 2.B.v.⁷ Dom Anselm Hughes reedited the prayer in CCCC 391 in his edition of the *Portiforium* of St. Wulstan, published in 1958–60, although he does not collate the prayer with those appearing in either Tiberius A.iii or Royal 2.B.v.⁸ In 1968, Lars-G. Hallander, whose principal concern was linguistic study, edited versions of prayers III and IV from Royal 2.B.v. and collated them with the corresponding prayers in Tiberius A.iii.⁹ None of these collations is entirely reliable; Logeman's notes are too often inaccurate, and those of Zupitza and Hallander too selective, to the degree that they do not offer a clear view of the prayers in Tiberius A.iii.¹⁰

121 (1908): 45–46, where it is collated with the corresponding prayer in Royal 2.B.v. and "Zur Liturgik der angelsächsischen Kirche," *Anglia* 66 (1942): 8–11, where it is compared with Oxford, Bodleian Library Laud Misc. 482. Only the introduction to the confessional prayer appears in Royal 2.B.v. and it has been edited by Fritz Roeder in *Der altenglische Regius-Psalter: Eine Interlinearversion in Hs. Royal 2. B. 5 des Brit. Mus.*, *Studien zur englischen Philologie* 18 (Halle a. S., 1904), p. xiii. The Laud manuscript, which lacks the introduction, has been edited by Bernhard Fehr, "Altenglische Ritualtexte für Krankenbesuch, heilige Ölung und Begräbnis," in *Texte und Forschungen zur englischen Kulturgeschichte: Festgabe für Felix Liebermann zum 20. Juli 1921*, ed. Heinrich Boehmer et al. (Halle, 1921), 55–56. Fehr (p. 55, note to para. 37) records the corresponding section of the prayer in Tiberius A.iii (i.e., without the introduction) from Förster, "Beiträge," 46.

⁵ See Phillip Pulsiano, "A Gothic Grammar with a Transcript of Anglo-Saxon Prayers," *Old English Newsletter* 23.1 (Fall 1989): 40–41. Prayer and line numbers, in Roman and Arabic numerals respectively, refer to the edition below.

⁶ Logeman, "Anglo-Saxonica Minora (I)," 111–20; idem, "Anglo-Saxonica Minora (II)" *Anglia* 12 (1889): 497–518.

⁷ Julius Zupitza, "Eine weitere Aufzeichnung der Oratio pro peccatis," *Archiv für das Studium der neueren Sprachen und Literaturen* 84 (1890): 327–29.

⁸ *The Portiforium of Saint Wulstan* (*Corpus Christi College, Cambridge, MS. 391*), ed. Anselm Hughes, 2 vols., Henry Bradshaw Society 89 and 90 (Leighton Buzzard, 1958–60), 2:14–15.

⁹ Lars-G. Hallander, "Two Old English Confessional Prayers," *Studier i modern Språkvetenskap* 3 (1968): 87–110.

¹⁰ Hallander includes "only such features of T[iberius A.iii] as are of interest in judging the work of the B [i.e., Royal 2.B.v.] corrector" (*ibid.*, 98).

RELATIONSHIP AMONG THE MANUSCRIPTS

The relationship among the prayers in Royal 2.B.v (*B*), CCC 391 (*C*), and Tiberius A.iii (*T*) is difficult to ascertain precisely. Ker dates the prayer in *C* (II below), a Worcester manuscript, to s. xi²; those in *T* date to s. xi med. The corresponding prayers in *B* were written at different times: Ker 249, art. g (I below) dates to s. xi¹; art. c (II below) to s. xi med.; arts. d and e (III and IV below) to s. x/xi. The relationship has most recently been treated by Hallander, who argues that “*B* was corrected from *T* or a somewhat earlier MS., which was quite similar to *T*. *B* was much closer to the original, having been exposed to less modernization (= West Saxonization) than *T*.”¹¹ His stemma thus includes an original of *BT* (designated *O*) and an intermediary or intermediaries (designated *Y*) between *BT*. A third manuscript (designated *X*) can be posited on the basis of the relationship between *BCT* (prayer II below). It is possible that *B* derived its corrections from *X* and not *T*: *X* would thus stand as the original of *TC*.

It is nevertheless significant that *B* contains a text treating days of fasting (fol. 196v; Ker 249, art. f) that is also found in *T* (fol. 44r; Ker 186, art. 8c). This brief text in *B* is incomplete in its final line, ending “Se man þe þis gefæst ne þerf he na . . .,” but complete in *T*: “Se mann þe þis gefæst ne þerf he na ondrædon him hellewita butan he beo hlafordswica.” Also, the prayer in *T* beginning “Ic eom andetta ælmihtigum gode 7 eac minum scrifte” (fols. 45v–46r; Ker 186, art. 9 [b]) is preceded by a brief introduction beginning “Man mot hine gebiddan swa swa he mæg 7 cán.” The same introduction is found in *B* (fol. 198r; Ker 249, art. h). In *B*, however, the text would seem to have been used as a conclusion to the preceding prayer (“Eala þu ælmihtiga god unasegendlcere mildheortnesse”; prayer I below) rather than as an introduction to a following prayer as in *T* (the remainder of the leaf in *B*, which contains eleven lines on a leaf ruled for nineteen, is blank). It is clear what took place: the scribe of *B*, following his model, completed the preceding prayer and continued to write the introduction to the next, believing it to be a concluding text. The order of the items is the same as in *T*, although the scribe of *T* continues to the next prayer, unlike the scribe of *B*. If *B*’s model was not *T*, then it was a manuscript very close to *T*, possibly even *T*’s model.

The question of the relationship between *B* and *T* is further complicated by the fact that, as Ker notes, Tiberius A.iii “is almost certainly a manuscript described in the medieval catalogue of Christ Church, Canterbury. . . .”¹²

¹¹ Ibid., 91.

¹² Ker, *Catalogue*, 248. Nicholas Brooks lists Tiberius A.iii among manuscripts produced

The introduction discussed above and the prayer preceding it are written in a hand similar to that used at Christ Church in the eleventh century.¹³ We know from a late eleventh-century note written on a flyleaf in Royal 2.B.v that the psalter is linked with Christ Church;¹⁴ and it is well known that *Eadwine's Canterbury Psalter* depends heavily upon Royal 2.B.v for its corrections to the Old English gloss to psalms 1–77. More recently, Patrick P. O'Neill has identified additional notes on the same leaf with Canterbury charters.¹⁵ In particular, the second note (*do[.] æl[....] seo hlæfdige*), O'Neill shows, "arguably derives from a royal charter granted to Christ Church Canterbury."¹⁶ Despite these circumstances, the differences between *B*'s corrected texts of prayers III and IV (see below) and the minor differences between prayers I and III in *B* and *T* make it impossible to argue that *B* copied and corrected its texts directly from *T*; but *B* may instead derive its material from the source of *T*.¹⁷

Prayer III in *B* contains ca. 30 interlinear corrections, while prayer IV in *B* contains ca. 175. The corrections for the most part agree with *T*. Thus at IV.17, for example, *B*'s original "firena" is crossed through and *T*'s reading, "synna," is added interlinearly; at IV.67, *B* deleted "sæne" and replaced it with *T*'s "slāw"; at IV.85, *B* originally read "scepðan," but deleted it in favor of *T*'s "dërian." Examples of this sort are numerous. But *B* does not always follow *T*. At I.29, *T* reads "drihten," while *B* reads "hælend"; *T*'s reading "tylnesse" at IV.77 remains in *B* as "tælnesse." *B* also contains readings of a more substantive nature not found in *T*. At III.36–37, for example, *T* reads "of þam soðfæstan þe . . . on þæne halgan gast" (ellipsis supplied). *B*, however, records "of þam soþfæstan ðe in [> on] ðe gelyfaþ in [> on] fæder 7 <on> suna 7 in [> on] þæ<ne> halgan gast."¹⁸ At IV.24,

at Christ Church (*The Early History of the Church of Canterbury: Christ Church from 597 to 1066* [Leicester, 1984], 269).

¹³ Ker, *Catalogue*, 320.

¹⁴ Fol. 198v: "... midne winter ic scolde cuman ham . . . þa axode [ʔmon] me hwæþer me wære leofre . . . þar be wæstan [þonne on] Christes cyrcan. þa sæde ic þæt me wære leofre on Christes cyrcan þonne þar be westan. swa hit æfre gewyrðe. amen" (Celia Sisam and Kenneth Sisam, eds., *The Salisbury Psalter, Edited from Salisbury Cathedral MS. 150*, Early English Text Society, o.s., 242 [London, 1959], 53; for a different reading of the note as a riddle, see Sarah Larratt Keefer, "The *Ex Libris* of the *Regius Psalter*," *ANQ*, n.s., 3 [1990]: 155–59).

¹⁵ "A Lost Old-English Charter Rubric: The Evidence from the *Regius Psalter*," *Notes and Queries* 231 (1986): 292–94.

¹⁶ *Ibid.*, 294.

¹⁷ Ker, *Catalogue*, 248, notes that *T* contains a number of texts in common with a *Batte secundus* listed in the medieval catalogue of Christ Church, thus suggesting on the basis of analogy that Christ Church may have also housed a manuscript containing at least those texts common to *B* and *T*.

¹⁸ Corrections by the scribe are indicated by single angled brackets (> = altered to), and interlinear additions are enclosed within angled brackets (<>).

T writes "Forgif me for þines heafdes gewælde," where *B* reads "Forgif me for þines heafdes are eall þæt ic æfre mid mines heafdes gewælde."¹⁹ The scribe of *B* probably did not introduce these readings on his own but instead recorded them from his source, which was not *T*. Also, at IV.80, *T* reads "adilige" where *B* reads "adiligie," with the second *i* interlinear. The correction, as Hallander notes, is not taken from *T*.²⁰

Readings in *C* not found in *T* prove that *C* and *T* are not directly related. At II.1, the prayer begins "Min drihten leof" in *T*, but "Drihten" in *C*; at II.7, *T* reads "sylfes godnesse," while *C* has "sylfes naman 7 godnysse"; at II.14, *T* reads "sinna" where *C* has "gylta"; at II.28, *T* reads "þu helpe" where *C* reads "ðu me gehelpe 7"; at II.31, *T* reads "heora" where *C* reads "ealra heora"; at II.35 after "þencað" in *T*, *C* writes "Drihten heofona heahcýning" (omitting the Tironian *et* that follows "þencað" in *T*, and thus beginning a new sentence); and where *T* closes the prayer with "Si þe lof 7 wuldor a buten ende" at II.37, *C* reads "for ðinum naman." The version of the prayer in *T*, then, stands closer to *B* than to *C*.

Finally, Junius's transcript merits comment. In his edition of the Old English *Pastoral Care*, Henry Sweet remarked on the accuracy of Junius's abilities as copyist, noting only minor changes, e.g., *huæt* > *hwæt*; change of *ð* to *þ*; omission of accents, etc.²¹ H. Logeman, however, in his edition of the *Benedictine Rule* in Tiberius A.iii, considers Junius's reputation as faithful copyist unfounded:

He adds words not in his MSS. He leaves out words found in his original, or transposes them. He does not distinguish between *ð* and *þ*, which he consequently uses indiscriminately. He entirely disregards the punctuation of the MS., and he adds numbers of chapters after his own pleasure or notions of how they ought to have been. Lastly, he corrects his text without giving the reading of the MS.²²

Judged as a copyist, Junius proves less than faithful to the text, and Logeman's criticism stands as an accurate assessment. Despite his failings,

¹⁹ At III.39, *B* reads "iudas" where the word is erased in *T*. This may have occurred, as Hallander notes, after the corrector of *B* used *T* ("Two Old English Confessional Prayers," 90 n. 10).

²⁰ Hallander, "Two Old English Confessional Prayers," 107 n. 89.

²¹ *King Alfred's West-Saxon Version of Gregory's Pastoral Care*, ed. Henry Sweet, vol. 1, Early English Text Society, o.s., 45 (London, 1871; rpt. Millwood, New York, 1988), p. xix.

²² *The Rule of S. Benet: Latin and Anglo-Saxon Interlinear Version*, ed. H. Logeman, Early English Text Society, o.s., 90 (London, 1888; rpt. Millwood, New York, 1981), p. xxxii. See also H. Logeman, "Junius's Transcripts of Old English Texts," *The Academy* 38 (September 27, 1890), 274; Henry Sweet's response (October 11, 1890), 319; Logeman's rebuttal (October 18, 1890), 343-44; and Sweet's final word (October 25, 1890), 366.

Junius nevertheless often shows himself to be sensible in his alterations of the text. Junius frequently corrects obvious errors and emends for sense, as in, e.g., *urihtwisum* > *unrihtwisum* (I.11 [1.13]);²³ *gyplicere* > *gylplicere* (I.41 [2.22]); *An* > *and* (II.18 [6.7]; II.21 [6.11]); *onbridnysse* > *onbryrdnysse* (II.17 [6.4–5]); *mire* > *mine* (II.22 [6.12] for *mi<n>re*); *underfængum* > *underfængon* (II.36–37 [6.31]); *hine* > *hi me* (III.26 [8.2]); *Din* > *Min* (IV.1 [8.25]); *áhfe* > *ahofe* (IV.36 [10.6]); *geblesode* > *gebletsode* (IV.113 [13.22]). Often he corrects the loss of *h*, as in, e.g., *bereowsian* > *behreosian* (II.20 [6.10]); *dægwamlice* > *dæghwamlice* (II.21 [6.10–11]); *reowe* > *hreowe* (III.23 [7.30]); *ingegýd* > *ingehyd* (III.34 [8.12]); *úpaóf* > *upahof* (IV.35 [10.5]); *anda* > *handa* (IV.45 [10.19]); *ricg* > *hricg* (IV.65 [11.15]); *wætwugu* > *hwæthwugu* (IV.94 [12.27–28]). Junius also eliminates some dialectal characteristics, e.g., *e* after palatal consonants > *ea*, and *o* > *eo*: *woruldgescefta* > *woruldgesceafia* (III.28 [8.3–4]); *gescepen* > *gesceapen* (III.29 [8.5]); *gescope* > *gesceope* (III.27 [8.3]). Alteration of *i* and *y* also occurs in the transcript, e.g., *modygnysse* > *modignysse* (I.20 [1.25]); *onbridnysse* > *onbryrdnysse* (II.17 [6.4–5]); *lybbendon* > *libbendum* (II.30 [6.22–23]). Errors appearing in the manuscript, however, are not always corrected by Junius, e.g., *spæc* in *T* and Junius [*J*] (I.26 [2.4]), *spræc* in *B*; *þrinnene* in *T*, *þrynnene* in *J* (IV.24 [9.21]), *þyrnnene* in *B*. Junius also introduces errors in copying, e.g., *Ezechiel, cweðende þinne soðan witegan* > *Ezechiel ðinne soðan witegan cweðende* (I.50–51 [2.34]); *Min drihten god, for þinan restingdæge* > *for ðam restingdæge min drihten God* (III.30 [8.6–7]).²⁴ In matters of punctuation and division of text (the latter indicated in the transcript by a Tironian *et* surmounted by a point, and normally followed by a space), Junius does not always adhere to the manuscript. Nor does he record the superscript *c* used by the Tiberius scribe to indicate short vowels (see below). Rather than view Junius as a poor copyist, however, we may do best to view him as an early, inconsistent editor.

LANGUAGE

The language of the four prayers edited here is a late West Saxon with some non-West Saxon forms, of which a good many are Kentish and seem to confirm the opinions of scholars who locate the manuscript in the south-east, quite possibly at Canterbury.²⁵ Although the occurrence of Kentish

²³ Bracketed references are to page and line number of Junius's transcript.

²⁴ The phrase *min drihten God* is inserted interlinearly by Junius.

²⁵ See Sisam and Sisam, *The Salisbury Psalter*, 28 n. 1; and Hans Sauer, "Zwei spätaltenglische Beichtermahnungen aus Hs. Cotton Tiberius A.III," *Anglia* 98 (1980): 19–20.

forms is not altogether consistent, their appearance may allow the conjecture of an original West Saxon manuscript imported (perhaps by stages) to a southeastern scriptorium. These results agree with other examinations of the language of Tiberius A.iii in placing the manuscript in the southeast. Only the most interesting features are recorded below:²⁶

Vowels in accented positions

æ raised to *ē* (here a Kentish feature):

III.25 *dēdum*, for *dædum*, dat. pl. of fem. *i*-stem *dæd*

IV.28 *geclēnsie*, for *geclænsige*, 2d sing. pres. subj. of *clænsian*, wk. II

IV.38 *bēre*, for *bære*, dat. fem. of *sē*

IV.46, 51, 72 *lēte*, for *læte*, 2d sing. pret. of *lætan*, strong 7

IV.95 *hēlo*, for *hælo* (-*u*), dat. sing. of fem. *ō*-stem *hælu*

late-WS/Kentish *īo* for *ēo* (cf. Schlemilch, pp. 32–33; Campbell §§703, 708):

IV.50 *sīo*, for *sēo*, nom. sing. of fem. dem. pron.

IV.97 *hiom*, for *heom*, dat. pl. of 3d pers. pron.

smoothing *ĕa* > *ĕ* (cf. Campbell §§312, 314; a late feature):

I.42 *bēh*, for conj. *bēah*

III.28 *woruldgescefta*, *gescefta*, for pl. -*sceafta*, acc. pl. of fem. *i*-stem *gesceaft*

monophthongization *ēa* > *ē*:

II.16, IV.37 *gelēfan*, for *gelēafan*, acc. sing. at II.16, dat. sing. at IV.37, of masc. *n*-stem *gelēafa*

vowels between *w* and *r* (cf. Campbell §§317, 320–21; S-B §113.a):

I.18 *unwurðe*, for *unweorðe*, adv. (cf. III.12 *weorþunge*)

IV.43 *wurðian*, for *weorðian*, wk. II

II.10 *þistrum*, for *þeostrum*, dat. sing. masc. of adj. *þeostor*

III.36 *arwirðnysse*, for *arweorðnysse*, dat. sing. *jō*-stem abstract noun *ārweorðnes* (*y* from umlaut of *u*, unrounded to *i* [cf. Campbell §§317, 320f.]. Note the form *awurðnys* in the Holy Rood legend contained in Oxford, Bodleian Library Auct. F.4.32; cf. *The Old English Finding of the True Cross*, ed. Mary-Catherine Bodden [Cambridge, 1987], 99, l. 300)

īe > *ȳ* > *ē* (IWS *īe* > *ȳ* [cf. Campbell §301]; Kt. *ȳ* > *ē*, unrounded and lowered [cf. Campbell §288]):

IV.71 *hēran*, for *hieran*, infin. of wk. I vb.

²⁶ The following discussion employs these short references: Campbell = A. Campbell, *Old English Grammar* (Oxford, 1959; rpt. 1987); S-B = Eduard Sievers, *Altenglische Grammatik: Nach der Angelsächsischen Grammatik*, rev. ed. Karl Brunner (Halle, 1942; 3d ed. Tübingen, 1965); Scragg = D. G. Scragg, "Initial *H* in Old English," *Anglia* 88 (1970): 165–96; Schlemilch = Willy Schlemilch, *Beiträge zur Sprache und Orthographie spätmittelenglischen Sprachdenkmäler der Übergangszeit (1000–1150)* (Halle, 1914); Hogg = Richard M. Hogg, *A Grammar of Old English*, vol. 1: *Phonology* (Oxford, 1992).

ȳ > ě:

IV.79 *geltas*, for *gyltas*, acc. pl. of masc. *a*-stem *gylt*

ēo > ŷo:

I.15 *dyoplicum*; most likely a Kentish feature (compare the Middle Kentish form *yerþe*). Cf. Schlemilch, p. 38, on *īo*/*ŷo* for *ēo*.

Vowels in unaccented positions

confusion of *e*, *a*, *o*, and *u* in unaccented positions (cf. Campbell §379)

e for *a*:

II.37 *buten*, for prep. *būtan*

o for *e*:

IV.59 *ofor*, for prep. *ofer*

i for *e* (cf. Campbell §§371, 376 on *i* > *e* in unaccented syllable):

IV.103 *ælmihteg*, for *ælmihdig*, nom. sing. masc. of this adj.

parasite vowels:

I.72 *sawul*; *u* after back vowel (cf. Campbell §363), nom. sing. of fem. *ō*-stem *sāwol*

IV.53 *geniparadest*, 2d sing. pret. of *nīðerian*, wk. II

IV.83 *woruhude*, acc. sing. of fem. *i*-stem *woruld*

Other features

IWS metathesis of /*sk*/ to /*ks*/ (cf. Campbell §440):

II.19 *genehxa*, for *hnesca*, 2d sing. imper. of *hnescian*, wk. II

inflectional *-n* for *-m* (cf. Campbell §378):

IV.92 *þinun*, for *þinum*, dat. pl. masc. of possessive adj. *þīn*

unsimplified geminates (cf. Campbell §§457–58, 489; S-B §228, Anm. 2, §231.1–2):

I.14–15 *menniscum*, dat. sing. masc. of adj. *mennisc*

I.40 *biggenge*, dat. sing. of neut. *ja*-stem *bīgenge*

III.34 *syлле*, for *sele*, 2d sing. imper. of *sellan*, wk. I

loss/vocalization of *g* (cf. Campbell §266–67; §243, compensatory lengthening following loss of *g*):

IV.93 *sādan*, for *sægdon*, 3d pl. pret. of *secgan*, wk. III (cf. Hogg, p. 291)

contraction of *ig* > *i*, *ige* > *ie* (cf. Campbell §§267–68):

I.30 *hefian*, for *hefigan*, acc. sing. masc. weak of adj. *hefig*

I.36 *dyrstilice*, for adv. *dyrstiglice*

III.12, III.14 *halsie*, for *halsige*, 1st sing. pres. of *hālsian*, wk. II (cf. III.15, 37, 40 *halsige*)

IV.28 *geclēnsie*, for *geclānsige*, 2d sing. pres. subj. of *clānsian*, wk. II

IV.67 *gemiltsie*, for *gemiltsige*, 2d sing. pres. subj. of *gemiltsian*, wk. II

loss of *h*

initial (cf. Scragg, pp. 190–92):

III.23 *reowe*, acc. sing. of fem. *wō*-stem *hrēow*

IV.45 *anda*, acc. pl. of fem. *u*-stem *hand*

IV.65 *ricg*, acc. sing. of masc. *ja*-stem *hrycg*

IV.94 *wætwugu*, for adv. *hwæthwugu*

medial (cf. Campbell §468):

II.14 *awyrf*, for *ahwyrf*, imper. sing. of *ahweorfan*, strong 2

II.20 *bereowsian*, for. infin. of *behrēowsian*, wk. II

II.21 *dægwamlice*, for adv. *dæghwāmlice*

IV.35 *ūpaōf*, for *ūpāhōf*, 3d sing. pret. of *ūpāhebban*, strong 6 (notice the metathesized form *āohfe* at IV.36 and the form *aof* at l. 13b of the metrical preface to Wærferth's translation of Gregory the Great's *Dialogues*, ed. Elliott Van Kirk Dobbie, *The Anglo-Saxon Minor Poems*, The Anglo-Saxon Poetic Records 6 [New York, 1942], 112)

IV.78 *ægwilce*, for *æghwilce*, nom. pl. of adj. *æghwilc*

IV.94 *wætwugu*, for adv. *hwæthwugu*

metathesis of *r* (cf. Campbell §459.3):

I.28 *wrohte*, I.52, 54 *gewrohte*, for (ge)worhte, 3d sing. pret. of (ge)wyrkan, wk. I

loss of *r* (cf. Campbell §475):

I.26 *spæc*, for *spræc*, 1st sing. pret. of *sprecan*, strong 5

loss of *d*

loss of consonant in triple-consonant group (cf. Campbell §476; S-B §216.1 and Anm. 2):

II.24 *milheortnysse*, for *mildheortnysse*, acc. sing. of fem. *jō*-stem abstract noun

loss of final dental:

II.18, 21 *an*, for conj. *and*

h for *g* (cf. S-B §§214, Anm. 3, §242, Anm. 1):

I.73 *orsorhre*, for *orsorgre*, fem. nom. sing. comp. of adj. *orsorg*

II.31 *myrhðe*, for *myrgðe*, dat. sing. of fem. *ō*-stem *myrgð*

ngþ > *nþ* / *c* for *g* before *ð* (cf. Campbell §480.3):

II.17 *strencðo*, for *strengðe*, dat. sing. of fem. *ō*-stem *strengþ(u)*

c for *g* (unvoicing of final stop; cf. Campbell §450):

IV.25 *þinc*, for *þing*, acc. sing. of neut. *a*-stem *þing*

h for *w*:

IV.27 *brohung*, for *browunge*, dat. sing. of fem. *ō*-stem abstract noun *brōwung* (cf. S-B §§218, Anm. 2, §234); possibly loss of *u* before *u* (cf. Campbell §470).

Compare the form *þrowunge* at III.15.

A few other noteworthy forms may be listed:

- II.3 *si*, for *sie*, 3d sing. pres. subj. of *bēon*; perhaps here monophthongization of *sie* > *sy*, which was then unrounded to *si* (cf. Schlemilch, p. 23).
- IV.77 *tȳlnesse*, for *tælnysse*, dat. sing. of fem. *jō*-stem abstract noun *tælnes*; apparently a Kentish feature (cf. Campbell §288); *æ* raised to *ē*, then perhaps with Kentish influence *ē* raised and rounded to *ȳ* (Schlemilch, p. 21, gives the example of *gemȳtton* from the OE Gospel of Nicodemus; Campbell §326 gives the example of the Kentish inverted spelling *sylf* for *self*).
- IV.82 *bebudu*; this may be more of a textual problem than phonological variant; one should read (with *B*) *bebude*, the 3d sing. pret. subj. of *bebēodan*, strong 2.

Some final features of the language of the four prayers include a late weakening of inflectional endings, e.g., *earm* (II.4) for dat. sing. neut. *earman*, *þinan* (III.30) for dat. sing. *þinum*, and *underfængum* (II.36–37) for the 3d pret. pl. *underfengon*.

An additional feature found in Tiberius A.iii is the use of a small superscript *c* to indicate short vowels, although there are some inconsistencies. In 1889, A. S. Napier first called attention to the use of this superscript mark in London, British Library Cotton Cleopatra B.xiii, where it appears in 119 instances (73 times above the word *god* or its inflected forms, and 46 times in other instances). In a brief concluding paragraph, he remarked on the occurrence of two similar examples in Tiberius A.iii. In response, H. Logeman published another 10 occurrences in the Tiberius manuscript. In 1912, Bernhard Fehr offered a more complete list of 20 words in the Tiberius manuscript that carry the superscript mark.²⁷ The superscript *c* occurs in over 80 instances; these are set forth below, and indicated by folio and manuscript line number: *agūte* (49v.17); *apēna* (52v.29); *bebōda* (52v.25; 55v.25); *befōran* (96v.23); *bēran* (54r.6); *bētere* (51r.19); *bīde* (53r.1); *būtan* (96r.32); *būton* (51r.16); *cwēpe* (54r.5); *dāga* (52v.11); *dāgas* (96r.31); *dūru* (51r.15); *ēced* (49r.13); *ēge* (96v.23); *feōre* (50v.7); *gebēda* (52v.7); *gebit* (52v.8); *gewīte* (54r.24; 55v.23); *gōd* (43r.22; 47r.10; 47v.15, 20, 21, 24, 25; 51r.19; 52v.24; 53r.17; 53v.29; 54r.6, 9); *gōde* (54r.11, 16, 25; 55v.14; 56v.16; 96v.10, 23); *gōdes* (53v.27; 54r.29; 54v.7; 55r.13; 55v.11; 96r.18; 96v.25); *heofenwāren* (97r.15–16); *hrīfe* (49v.10); *limum* (96v.10); *māga* (56v.17); *māgan* (52v.17; 56v.17–18); *māge* (54r.28; 55r.5); *māht* (52v.23); *mān* (45v.26; 56v.2, 15; 96r.17, 23, 24, 26, 33; 96v.22); *mānn* (43r.8); *ōfer* (51v.24); *ongūte* (56v.4); *sūman* (55r.5); *sýnræs* (96r.19); *tobræc* (55r.7); *unmāga* (56v.17); *unmāgan* (56v.10); *wēg* (51v.8; 96r.24); *wēge* (96r.20, 22); *wīte* (96v.26; 97r.17); *witodlice* (52v.8).

²⁷ A. S. Napier, "A sign Used in Old-English Mss. to Indicate Vowel Shortness," *The Academy* 36 (October 1889): 221–22, 239 (H. Logeman), 254 (Napier); Bernhard Fehr, "Zur Kürzebezeichnung in der Hs. Cott. Tib. A 3," *Archiv für das Studium der neueren Sprachen und Literaturen* 129 (1912): 219–20.

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The *Confessio et oratio ad deum* partially translates a penitential prayer penned by Alcuin, possibly for the emperor Charlemagne.²⁸ The prayer consists largely of a sometimes discursive catalogue of sins and transgressions. The style was possibly influenced by the penitential “lists”²⁹ that A. B. Kuypers and Kathleen Hughes associate with prayers of Irish origin,³⁰ such as, for example, the prayer “Deus deus meus omnipotens” found in the the *Book of Cerne* (Cambridge, University Library Ll.1.10, fols. 48r–50r),³¹ which offers a catalogue of utterances in praise of God’s power and attributes (e.g., “Tú és rex regum et dominus dominantium. Tú és arbiter omnis saeculi. Tú és redemptor animarum,” etc.), a catalogue of sins (e.g., “Peccauí per negligentiam mandatorum tuorum et factorum meorum. Peccauí per superbiam et per inuidiam. peccauí per detractationem et per auaritiam,” etc.), and a catalogue of body parts (e.g., “peccauí in oculis meis et in auribus meis. peccauí in naribus et in auribus. peccauí in manibus et in pedibus. peccauí in lingua et guttore,” etc.).³² Such use of the lists can be found elsewhere within the corpus of prayers transmitted in England. The prayer

²⁸ See the *Confessio peccatorum pura Alcuini*, in *Officia per ferias* (PL 101:524–26): “Deus inestimabilis misericordiae, Deus immensae pietatis, Deus conditor et reparator humani generis, qui confitentium tibi corda purificas, et accusantes se ante conspectum divinae clementiae tuae ab omni vinculo iniquitatis absolvis; virtutem tuam totis exoro gemitibus, ut secundum multitudinem miserationum tuarum, de omnibus peccatis meis, de quibus me mea conscientia accusat, puram mihi coram te concedas agere confessionem; veramque ex his omnibus et condignam mihi tribuas poenitentiam, quaecunque peccavi in cogitationibus pessimis, in meditationibus pravis, in consensu malo, in consilio iniquo, in concupiscentia atque delectatione immunda, in verbis otiosis, in factis malitiosis, in visu, in auditu, in gustu, in odoratu et tactu. Tu enim, misericors Deus, ad operandum mihi animae meae salutem membra singula humanis usibus apta dedisti; sed ego miserrimus omnium et peccator . . .” (here the Old English diverges from the Latin).

²⁹ See, for example, Roger Fowler, “A Late Old English Handbook for the Use of a Confessor,” *Anglia* 83 (1965): 20–26; Josef Raith, ed., *Die altenglische Version der Halitgar’schen Bußbuches* (sog. *Poenitentiale Pseudo-Ecgberti*), Bibliothek der angelsächsischen Prosa 13 (Hamburg, 1933; rpt. Darmstadt, 1964), 46–70 (bk. 4 and *Additamenta*).

³⁰ A. B. Kuypers, ed., *The Prayer Book of Aedelwald the Bishop Commonly Called the Book of Cerne*, Edited, from the MS in the University Library, Cambridge, with Introduction and Notes (Cambridge, 1902), xxiv–xxv; Kathleen Hughes, “Some Aspects of Irish Influence on Early English Private Prayer,” *Studia Celtica* 5 (1970): 48–61. For the most recent study on Irish influence, see Charles D. Wright, *The Irish Tradition in Old English Literature*, Cambridge Studies in Anglo-Saxon England 6 (Cambridge, 1993).

³¹ Kuypers, *Prayer Book of Aedelwald the Bishop*, 95–99, no. 10. Both Kuypers and Muir (*A Pre-Conquest English Prayer-Book*, 83 n. 1) note a witness for the text in a tenth-century manuscript at Angers that bears the title “incipit confessio sancti Patricii episcopi,” and Kuypers notes its appearance again “in Irish surroundings in the Basel MS A VII. 3” (*Prayer Book of Aedelwald the Bishop*, xxv).

³² Kuypers, *Prayer Book of Aedelwald the Bishop*, 95, 97.

in the *Book of Cerne*, for instance, has been identified as an analogue to that in London, British Library Cotton Galba A.xiv, fols. 75r–v, 66r–70r, and in British Library Harley 2965, fol. 34r–v (which lacks the beginning).³³ Mention might also be made of the list of offenses in British Library Arundel 155, fols. 179v–180r: “Peccaui, domine, per neglegentiam mandatorum tuorum, per superbiam et elationem, per fornicationem et adulterium, per auaritiam et uanam gloriam,” etc.; the confessional prayer numbers homicide as one of the sins committed (“per sacrilegium et homicidium”) and closes its list with reference to sins of the five senses (“per quinque sensus corporis mei: uisu, auditu, gustu, odoratu et tactu, in cogitatione mala, in locutione praua, in actione peruersa”).³⁴ Such lists may have served to prompt the penitent to a more thorough recollection and confession of sins.³⁵

The *confessio* ends at I.47, and at I.48–80 we have the *oratio*; at l. 50 the *healigne truwan* is invoked with reference to Ezechiel 33:14–16;³⁶ the Old Testament reference is complemented a few lines later by a reference to Luke 15:7:³⁷ “Eac þu sylf, drihten, sædest on þinum godspelle þæt máre bliss bið on heofonum be ánum synfullan menn gif he gecyrð to ðe þonne be nigon 7 hundnigantigan þe nanre dædbote ne behofiað” (ll. 55–57).

³³ Muir, *A Pre-Conquest English Prayer-Book*, 83–86, no. 31; Walter de Gray Birch, ed., *An Ancient Manuscript of the Eighth or Ninth Century: Formerly Belonging to St. Mary's Abbey, or Nunnaminster, Winchester*, Hampshire Record Society (London and Winchester, 1889), 84–85.

³⁴ Ferdinand Holthausen, “Altenglische Interlineaversionen lateinischer Gebete und Beichten,” *Anglia* 65 (1941): 230–54, esp. 246–47, no. 19.

³⁵ In a chapter on “Penance and Prayer in Eighth-Century England,” Allen J. Frantzen discusses the role of such confessional prayers (i.e., those with often long catalogues of real or imagined offenses) in private confession: “They obtain forgiveness without the intercession of the confessor. They also have a more specific devotional function which explains their exaggerated style: their multiple accusations against the sinner emphasize his utter unworthiness in order to exalt the greatness of God’s mercy. How the confessional prayers would have worked as part of a private confession is difficult to imagine. The purpose of that encounter was to uncover the sinner’s guilt and assign expiation for his offenses. A long recitation of imagined offenses would not facilitate that process. But in a ceremony not concluded by the assigning of penance—such as the public reconciliation of penitents—and in private prayer, long confessions served an obvious purpose. They were a way to ensure that the penitent had confessed completely; and they were to impress on the sinner his weakness and his need to guard against it” (*The Literature of Penance in Anglo-Saxon England* [New Brunswick, 1983], 87–88).

³⁶ “Si autem dixero impio: Morte morieris, et egerit poenitentiam a peccato suo, feceritque iudicium et iustitiam, et pignus restituerit ille impius, rapinamque reddiderit, in mandatis vitae ambulaverit, nec fecerit quidquam iniustum, vita vivet, et non morietur. Omnia peccata eius, quae peccavit, non imputabuntur ei; iudicium et iustitiam fecit, vita vivet” (Alberto Colunga and Laurentio Turrado, eds., *Biblia Sacra iuxta Vulgatam Clementinam*, 3d ed. [Madrid, 1959]; all quotations from the Vulgate are from this edition).

³⁷ “Dico vobis quod ita gaudium erit in caelo super uno peccatore poenitentiam agente, quam super nonaginta novem iustis, qui non indigent poenitentia.”

Essential to the style and form of the *confessio* (and the three other penitential prayers under discussion) is the mention and use of the seven (or eight) deadly sins (*heafodleahtras*). The eight *heafodleahtras* figure prominently in the present prayer, appearing one by one with the penitent's explanatory comments: first *ofermetto/modignes* (*superbia*), then *gyfernes* (*gula*), *forliger* (*fornicatio*), *gitsung* (*avaritia*), *weamodnes* (*ira*), *unrotnes* (*tristitia*), *asolcennes* (*accidia*), and *idel gielp* (*iactantia*). This catalogue of *heafodleahtras* corresponds to that of Alcuin in the *Liber de virtutibus et vitiis*³⁸ and to Ælfric's *Homilies*,³⁹ among the several Anglo-Saxon authors who discuss the deadly sins. In addition to the influence of contemporary theological views on the deadly sins, there is perhaps also some Augustinian influence on the *confessio*, e.g., I.34–37: “Ic on unrotnysse oft eac agylte 7 swiðor ceorude þonne min sawul behofade þa þa ic æhta forleas oððe leofne freond oððe me hwæt mislamp on þyses lyfes ryne; 7 ic þa ongean þe, drihten, dyrstilice ceórude þurh þa unrotnysse þe ys deaðes wycende”; compare Augustine's famous discussion of excessive grieving at the loss of a dear friend (invoking the Horatian *dimidium animae meae*) at *Confessiones* 4.4–8.⁴⁰ But such a notion of friendship need not be wholly Augustinian; compare Alcuin's *peroratio* to the *Liber de virtutibus et vitiis*: “Amicus fidelis, protectio fortis: qui autem invenit illum, invenit thesaurum. Amico fideli nulla est comparatio, et non est digna ponderatio auri et argenti contra bonitatem fidei illius. Amicus fidelius medicamentum vitæ et immortalitatis; et qui metuunt Dominum, inveniunt illum.”⁴¹

The second prayer is a petition for reformation, both personal (“min mod to þinum willan gestranga 7 gestaðola,” l. 3) and catholic (“gestranga

³⁸ PL 101:613–38; Alcuin discusses *iactantia* in his analysis of *cenodoxia* or *vana gloria*, cols. 635–37.

³⁹ Compare *Homilies* 4 (*Dominica III in Quadragesima*), ll. 249–57, in which Ælfric warns of the dangers the *heafodleahtras* pose to the weak-willed: Ða seofon gastas syndon þa seofan heafodleahtras, gyfernyss and forlir, gytsung and yrr, asolcennyss and unrotnys, idelgylp, and eahteode is modignyss. Gif ðas heafodleahtras habbað stede on þam menn, þonne næfþ Godes gást nane wununge on him, ac hé bið eall deofles gif he geendap on ðam, and him wære sélre þæt hé soðlice ne cuðe þære soðfæstnysse weg, þonne hé sceolde abúgan fram þære soðfæstnysse to ðam sweartan deofle eft” (John C. Pope, ed., *Homilies of Ælfric: A Supplementary Collection*, vol. 1, Early English Text Society 259 [Oxford, 1967], 278); compare also Ælfric's *Catholic Homilies: The Second Series*, ed. Malcolm Godden, Early Early English Text Society, s.s., 5 (Oxford, 1979), III (*In Aepiphania Domini*), p. 24, ll. 179–82, and XII.ii (*Dominica in media Quadragesime, secunda sententia*), pp. 123–26, ll. 477–582, as well as his *Lives of the Saints* XVI (*Sermo de memoria Sanctorum*), ll. 267–311 (Walter W. Skeat, ed., *Ælfric's Lives of Saints*, Early English Text Society, o.s., 76, 82 [Oxford, 1881–85; rpt. 1966], 354–58).

⁴⁰ *Sancti Augustini Confessionum libri XIII*, ed. L. Verheijen, CCL 27 (Turnhout, 1981), 43–47, esp. 45.

⁴¹ PL 101:638.

hi to þinum wyllan 7 gemiltsa eallum cristenum folce libbendum 7 forðgewitenum,” ll. 35–36), and invokes, by repetition, God’s great mercy (“mycelan mildheortnysse,” l. 1; “miclan mildheortnysse,” l. 8; “þine milcð-heortnysse,” l. 24) for a proper and complete forgiveness (“arfulle forgyfenysse,” ll. 12–13). The penitent seeks such forgiveness for transgressions past, present, and future; for transgressions against the Lord’s will committed during day and night, voluntary and involuntary, in word, deed, or concealed thought (ll. 8–14). True forgiveness is requested on merit; such meritorious qualities as proper faith, true love, humility, righteousness, purity, contriteness, and resistance of the devil’s snares are enumerated (again in accord with Alcuin’s *De virtutibus et vitiis* 10 ff.). A final entreaty is made on behalf of all “those who ever received the water of baptism” (“þam þe æfre fulwihetes bæð underfængon>,” ll. 36–37).

This prayer contains an interesting reference to the “færlic deað”: “. . . min drihten, ne læt me næfre færlicum deaðe of þissum earm life gewitan ac loce hwænne min tīma beo 7 þin willa si þæt ic þis læne lif forlætan sceolcðe” (ll. 3–5). A line from the *Blickling Homilies* offers a noteworthy parallel: “Pa gelamp him þæt lif wearð geendod, & færlic ende onbecom þisses lænan lifæs.”⁴² The *læne lif* theme is a common one in Old English literature (with *Beowulf* 2842b–2845a as an obvious example; compare also “þisum lænan life” here at ll. 78–79 of prayer I). The tragic nature of the “færlic deað” brings up another intriguing theme in the literature. This reference to the “færlic deað” in the present prayer is precatory in nature—a prayer to ward off such a departure from this transitory life. In an era that had before witnessed Viking raids and recurring plagues, the “sudden death” was something to be feared. *Judgment Day II* in Cambridge, Corpus Christi College 201 mentions as one of the blessings of the heaven-kingdom the freedom from the “færlic cwyld.” In a time of actual plague, ca. 962–63, dread of the “færlic deað” would have been quite palpable: a passage from Edgar’s laws “æt Wihtbordesstane” ought to be cited in full:

Ðonne beode ic 7 se ærcebisceop, þæt ge God ne grymman [read “gremian” with CCCC 265], ne naper ne geearnian ne þone færlican deað þises andweardan lifes, ne huru þone toweardan ecere helle mid ænegum ofrige Godes gerihta; ac ægðer ge earm ge eadig, þe ænige tylunge hæbbe, gelæste Gode his teoðunge mid earla blissa 7 mid eallum unnan, swa seo gerædnys tæce, þe mine witan æt Andeferan geræddon 7 nu eft æt Wihtbordesstane mid wedde gefæstnodon.⁴³

⁴² R. Morris, ed., *The Blickling Homilies of the Tenth Century*, Early English Text Society, o.s., 58, 63, 73 (London, 1874–80; rpt. Oxford, 1967), 113.

⁴³ F. Liebermann, ed., *Die Gesetze der Angelsachsen*, 3 vols. (Halle, 1903–16), 1:206–8 [= IV Eg. 1, 4], Cotton Nero E.i.

King Edgar and Dunstan, then archbishop of Canterbury, implore the people not to bring down God's wrath in that difficult time;⁴⁴ in fact, the request of the king and bishop becomes quite specific: they ask the people to pay the tithe.⁴⁵

The third prayer begins with a catalogue of rather serious sins (e.g., being accomplice to murder and wicked oaths: "gewita morþres . . . manra aða gewita," ll. 4–5), alternating between *biddan* and *halsian* clauses; the pattern culminates in ll. 37 ff.: "Nu ic bidde <7> halsige þa heofenlican fæmnan . . ." *B* has only "halsige"; Junius critically reads "bidde 7 halsige," a reading desirable for *T* in that the rhetorical pattern established by *biddan* and *halsian* is now united in the *peroratio* of this confessional prayer with this last appeal to the Virgin Mary, the angels, and the apostles. This last entreaty in the Old English text calls on a variety of intercessors: Mary, the angel

⁴⁴ See *ibid.* 1:206 [= IV Eg. prolog.]: "Her is geswutelod on þisum gewrite, hu Eadgar cýningc wæs smeagende, hwæt to bote mihte æt ðæm færcewme, ðe his leodscipe swyðe drehte 7 wanode wide gýnd his anweald."

⁴⁵ The reference to "færlic deað" together with a number of references in the homiletic writings perhaps point to a common dread of the time, remedy for which was sought in prayer. Three instances in *Ælfric's Catholic Homilies*, second series, help to illustrate this notion of the sudden or unexpected death: I (*Sermo de natale domini*), p. 11, ll. 288–91 ("Warniað eow wið oferfylle and oferdrance, swa swa crist cwæð on his godspelle; Beoð wære þæt eowere heortan ne beon gehæfgode mid oferfylle. and druncennysse. and mid worlðcarum. and se færlic deað becume ofer eow"); XV (*Sermo de sacrificio in die Pascae*), p. 151, ll. 41–49 ("Agnus dei qui tollis peccata mundi. miserere nobis; þæt is on urum gereorde. þu godes lamb ðe ætbretst middaneardes synna. gemiltsa us; ðæt Israhela folc wearð ahredd fram þam færlican deaðe. and fram pharaones ðeowte þurh þæs lambes / offrunge ðe hæfde getacnunge cristes ðrowunge. ðurh ða we sind alysede fram ðam ecum deaðe. and þæs reðan deofles anwealde. gif we rihtlice gelyfað on ðone soðan alysend ealles middaneardes hælend crist"); and XXXIII (*Passio Simonis et Iude*), p. 286, ll. 220–29 ("Ða stóð þære sunnan cræt mid feower horsum of golde agoten. on ane healf þæs temples. on oðre healf stóð ðæs monan cræt of seolfre agoten. and ða oxan ðærto; þa ongunnon ða hæðengildan neadian ða apostolas. þæt hí sceoldon hí gebiddan to ðære sunnan anlicnyse. and to þæs monan. and þa twegan foresædan drymen ðærfer stodon; ða betwux ðisum gesawon ða apostolas drihten on heofenum. betwux his engla ðrymme. hí clypigende. and sum engel him æteowode and cwæð; Beoð gehyrte and geceosað eow oððe ðyssera hæðenra færlican deað. opþe ge mid bylde godes gewinnes efsða to wulderbeage eoweres martirdomes"). The microfiche concordance to Old English (Antonette diPaolo Healey and Richard L. Venezky, *A Microfiche Concordance to Old English*, Publications of the Dictionary of Old English 1 [Toronto, 1980; rev. rpt. 1985]) yields some ten other references to the *færlic deað* / *ende* / *cwild* / *sliet*, including the references in the *Liber scintillarum* to the *deað færlic* (see E. W. Rhodes, ed., *Defensor's Liber Scintillarum*, Early English Text Society, o.s., 93 [London, 1889], 9.75, p. 49; 23.23, p. 94). Compare also Wulfstan: "Gif hit gewyrþe, þæt on þeodscipe becume healic ongelimp for manna gewyrhtan, here opþe huncger, manncewalm oððe orfwealm, bryne opþe blodgyte opþe ungelimplice gewyderu opþe færlic coþa opþe færlic deap, þonne sece man a þa bote to gode sylfum" (Arthur Napier, ed., *Wulfstan: Sammlung der ihm zugeschriebnen Homilien nebst Untersuchungen über ihre Echtheit. I. Text und Varianten* [Berlin, 1883], XXXVI [30], p. 172, ll. 16–20).

Michael ("min *sanctus* Michael archangelus," l. 21; Michael is mentioned as an archangel in Jude 9 and in the Gospel of Nicodemus⁴⁶), the angels Gabriel and Raphael (both also mentioned as archangels in the Book of Enoch), and the apostles (more or less), with John mentioned twice (as in *B*), Judas expurgated from *T* (retained in *B*), and Saint Paul included among the Twelve.

The final prayer alternates between formulae based on *Min drihten, si ðe þanc þæs þe þu . . .* and *Forgif me* lines, developed into a pattern of thanksgiving for Christ's virtues, works, and Passion, and the benefits derived from such; e.g., in ll. 18–22 the penitent offers thanksgiving to Christ for having endured the judgment of a temporal ruler ("þu ætforan eorðlices deman heahsetle gestode 7 his domas on þe sylfum geboldest," ll. 19–20) for the love of mankind ("for mana lufan," l. 19), and the penitent invokes the humility of this action in a prayer for merciful forgiveness: "Forgif me for pere eadmodnysse þæs domes þonne ic ætforan þinum heahsetle stande þæt þu þonne me ne fordeme ac me milde 7 árfull geweorðe" (ll. 21–22). The epilogue to this prayer has a direct parallel in a Rogationtide homily found in Oxford, Bodleian Library Hatton 114: "He cweð, 'Cumað, ge gebletsode, þe mine bebodu heoldon, and onfoð freolice mines Fæder rice þæt eow wæs fram fruman þisses middaneardes togeanes gegearwod.'"⁴⁷

EDITORIAL POLICY

The following texts are based upon conservative editorial principles. Punctuation and capitalization are editorial. Divisions within each text follow the manuscript. The four texts have been emended where sense demands, with the manuscript readings (from *T*) noted in the upper register of the apparatus. Abbreviations and contractions are indicated by italics. Accents in the manuscript have been retained. Variant readings from *B* and *C* are noted in the middle register of the apparatus, but readings from Junius's

⁴⁶ Cf. H. C. Kim, ed., *The Gospel of Nicodemus*, Toronto Medieval Latin Texts 2 (Toronto, 1973), XIX.1, p. 37: "... Adam pater noster . . . exclamavit ad filium suum Seth <et> dixit: 'Enarra filiis tuis, patriarchis et prophetis omnia quae a Michaele archangelo audisti quando te misi ad portas paradisi ut deprecaberis Deum. . . .'" And so, in the Old English version: "Adam þa wæs þys gehyrende. 7 to his suna cweðende. se wæs genemned seth. he cwæð gerece þynum bearnum. 7 þysum heahfæderum ealle þa ðing þe ðu fram mychaele þam heahengle gehyrdest . . ." (W. H. Hulme, "The Old English Version of the Gospel of Nicodemus," *Publications of the Modern Language Association of America* 13 [1898]: 498, ll. 2–5).

⁴⁷ Joyce Bazire and James E. Cross, eds., *Eleven Old English Rogationtide Homilies*, Toronto Old English Series 7 (Toronto, 1982), 143, ll. 103–5.

transcript (see above) and copies of these texts in the *Gothic Grammar* are not noted. The lower register of the apparatus lists *loci similes*.⁴⁸

⁴⁸ The following texts are employed for the *loci similes*:

Ælfric, Catholic Homilies II = Malcolm Godden, ed., *Ælfric's Catholic Homilies: The Second Series*, Early English Text Society, s.s., 5 (Oxford, 1979)

Ælfric, Lives of the Saints = Walter William Skeat, ed., *Ælfric's Lives of Saints*, 2 vols., Early English Text Society, o.s., 76, 82, 94, 114 (Oxford, 1881–1900; rpt. 1966)

CCCC 190 = Dictionary of Old English transcript; cf. Antonette diPaolo Healey and Richard L. Venezky, *A Microfiche Concordance to Old English* (Toronto, 1980; rev. rpt. 1985)

Confessio peccatorum pura Alcuini = PL 101:524–26

ConfExh II = Hans Sauer, “Zwei spätaltenglische Beichtermahnungen aus Cotton Tiberius A.III,” *Anglia* 98 (1980): 1–33

OE Cura pastoralis = Henry Sweet, ed., *King Alfred's West Saxon Version of Gregory's Pastoral Care*, Early English Text Society, o.s., 45, 50 (London, 1871; rpt. Millwood, New York, 1988)

Regularis concordia = W. S. Logeman, “De consuetudine monachorum,” *Anglia* 13 (1891): 365–454

Wulfstan, Homilies = Arthur Napier, ed., *Wulfstan: Sammlung der ihm zugeschriebenen Homilien nebst Untersuchungen über ihre Echtheit* (Berlin, 1883).

Roman numerals without any designation refer to the prayers (I–IV) edited here.

I

/44r/ *Confessio et oratio ad deum*

Eala þu ælmihtiga god unasecgendlicere mildheortnesse. Eala þu god unametenre arfæstnesse. Eala þu goda scyppend 7 geedstaðeliend ealles mann cynnes; þu þe afeormast fram fulum synnum þære heortan þe þe
 5 andettað 7 þa þe hi sylfe wrégað ætforan gesihðe þinre mildheortnysse; þa þu alyst fram bende ælcere unrihtwisnysse; þine mihte ic bidde mid ealre geomorunge þæt þu þurh mænigfealdnysse þinra mildheortnesse me forgife þæt ic hluttre andetnysse ætforan þe dón móte be eallum minum synnum þe min ingehyd me nu wregð 7 ic soðe dædbote ætforan þe dón móte be
 10 eallum þam synnum þe ic gesyngode on yfelum geþohtum 7 on þwyrum smeagunge on yfelre geþafunge 7 on u<n>rihtwisum geþeahte, on unclæ<n>re /44v/ lustfullunge 7 on fracodere gewilnunge, on ydelum wordum 7 on yfelum dædum. Ic syngode on gesyhðe 7 swyðe on lyste eac on spræce, on stence, 7 on hrepunge. Þu, leofa drihten, ealle limu me gesceope to men-
 15 niscum brice gemæte 7 gelimplice, ac ic earming hi awende to dyo<f>licum weorcum 7 mid synnum hi befýlde 7 þe forseah drihten.

Ic on ofermettum oft swiðe agylte 7 þurh upahefednesse me toforan oðrum tealde 7 þine beboda, drihten, dyde me unwurðe; 7 ic nolde wegan þin wynsume geoc ne þine leohtan byrðene on minum bæce ferian; 7 ic unwærlice
 20 syngode oft þurh modgynysse.

Ic on gyfernysse 7 on oferfýlle 7 on druncennysse wið þe drihten, agylte oft 7 gelome on untiman.

5 wrégað] *underlined*
 15 gelimplice] *c malformed*

11 unrihtwisum] *urihtwisum MS*
 dyoflicum] *dyoplicum MS*

unclænre] *unclære MS*

1 Confessio . . . deum] <i>Confessio et oratio B</i>	11 smeagunge] <i>smeageongum B</i>
unrihtwisum] <i>unrihtwisum B</i>	unclænre] <i>so B</i>
hlyste B	12 fracodere] <i>fracodre B</i>
spræce] <i>spæcce B</i>	13 lyste]
15 brice] <i>bricum B</i>	dyoflicum] <i>deoflicum B</i>

1–16 Eala þu ælmihtiga god . . . 7 þe forseah drihten: *Confessio peccatorum pura Alcuini*, ll. 1–20.

18–19 7 ic nolde wegan þin wynsume geoc: Mt 11:29–30.

Ic eac earmung ofer ælcum geméte on fulum forligere 7 on fracodre galnysse me sylfne befylde ge on sawle ge on lichaman.

25 Ic on gitsunge mid gytsigendum mode swyðe oft agylte 7 beswac oðre æt heora æhtum þurh þa unrihtwisan gitsunge; 7 ic unriht oft spærleaslice 7 riht forsuwode þurh þone sylfan leahter.

Ic þurh weamodnysse wrohte feala yfela 7 þurh mánslhtas me scyldigne dyde wið þe, min drihten, þa ic ðin handgeweorc unwyrcean dorste 7 deaþe 30 betæcan. Nu synd mine handa þurh þone hefian gylt mid manna blodum þe ic ðurh gebeot oft 7 þurh hatheortnesse her on lyfe ageat yfele befýlede 7 fæste gebundene swærum gyltum þurh þa sylfan weamodnysse þe ic ær gewrohte.

Ic on unrotnysse oft eac agylte 7 swiðor ceorude þonne min sawul 35 behofade þa þa ic æhta forleas oððe leofne freond oððe me hwæt mislamp on þyses lyfes rýne; 7 ic þa ongean þe, /45r/ drihten, dyrstillice ceórode þurh þa unrotnysse þe ys deaðes wyrrende.

Ic syngode gelome þurh asolcennysse ða ða me god ne lyste don, ne gán to godes huse, ne nan ellen niman to ænigum góðan weorce; ac ic lyfede 40 min lif lange on solcennesse butan godum weorcum 7 godum biggenge.

Ic on ydelum wuldre eac swylce agylte on gylplices spræce 7 gylpes cépte, 7 wolde beon gehered þe þe ic herigendlic nære; 7 on wlence ic ferde þurh ydele wuldor 7 manna lyffetunge, ic lufode to swiðe, 7 on mænigfealdre glæncge ic glæncgde minne lichaman 7 mid sweartum synnum mine 45 sawle awlætte 7 wolde beon wiðutan swa þeah wurðlic gepuht. On eallum þisum heafodleahtrum ic healice agylte 7 oðrum læssum gyltum ic gelome singode, 7 ic eaðe ne mæg mine gyltas atellan.

Ic bidde swa þeah, drihten, þæt hi beon þe geandette mid soðre behreowsunge, 7 þu mine sawle gehæle fram eallum synnum, þu ðe eart 50 sawla alysend; þu sealdest us, hælend, healicne truwan þurh Ezechiel, cweðende þinne soðan witegan: gif se arleasa deð soþe dædbote be eallum his synnum þe he ær gewrohte, 7 ealle mine beboda gehylt, 7 deð riht-

23 eac] c on erasure 26 unriht] erasure after t spræc] spæc MS 41 ydelum] yldelum MS gylplicere] gyplicere MS 50 alysend] d corr. from t

26 spræc] so B 29 drihten] hælend B þa] þa þa B 32-33 þe ic ær gewrohte om. B 36 dyrstillice] dyrstiglice B 40 solcennesse] asolcennysse B 41 gylplicere] so B 43 ydele] þæt idele B 52 gewrohte] geworhte B

50-54 þu sealdest us, hælend, healicne truwan þurh Ezechiel . . . þe he sylf gewrohte: Ez 33:14-16.

wisnysse, 7 demð rihtlice he leofað his life, 7 he nane swylt; 7 ic ne gemune ealra his mândæda, ac he leofað on his rihtwisnysse þe he sylf gewrohte.
 55 Eac þu sylf, drihten, sædest on þinum godspelle þæt mære bliss bið on heofonum be anum synfullan menn gif he gecyrð to ðe þonne be nigon 7 hundnigantigan þe nanre dædbote ne behofiað. Underfoh me nu, drihten, for þinre mildheortnysse, 7 aþweah me þurh þæs halgan gastes gife fram eallum minum synnum 7 sele me staðolfæste heortan þæt ic ælc yfel
 60 onscunige 7 ælce unrihtwisnysse; 7 ic þine bebodu lufige 7 /45v/ þe leofa drihten. Ne læt þu me næfre bugan to þam ærran leahtrum þe ic receleas gefremode fúllice foroft, ac geedstaðela on me, þu arfæsta hælend, swa hwæt swa ic amyrd þurh manfulle dæda.

Gescylde me, drihten, wið þone swicolan deoful þæt he me earmne eft
 65 ne beswice forþon ðe min tyddernys ne mæg him wiðstandan butan þu, leofa hælend, onlihte mine heortan 7 mid þinre mihtigan handa me gehealde wið hine. Þu miht eall þæt þu wylt swa swa ælmihtig god 7 þu naht ne swincst þeah þu gescylde us. Heald me for þig leofa to lofa þinum naman þæt ic on godum weorcum wunian mote oð mines lifes ende mid soðum
 70 geleafan.

Ic bidde þe nu, hælend, þæt þu gehæle mine sawle þæt ic dælnimend beo on þam forman æriste swa þæt min sawul of synnum nu arise þæt heo þe orsorhre on þam oðrum æriste lichamlice arise to þam ecan life. Syle me nu, scyppend, gesælig geþanc 7 þa halgan mihte þe menn þurh
 75 geþeoð geleafan 7 hiht 7 halige lufe, modes snoternysse 7 mihtig geþyld, gemetegunge 7 anrædnysse, rihtwisnysse 7 mildheortnesse, clænnysse 7 cystignysse, sybbe 7 arfæstnysse, soðfæstnysse 7 welwillendnysse, wuldres drihten; 7 syle me forgyfenesse ealra minra synna 7 þæt ece lif æfter þisum lænan life. Hælend Crist, gehyr ðas word þu þe leofast 7 rixast mid þam
 80 ælmihtigan fæder 7 þam halgan gaste butan anginne 7 ende. Amen.

57 Underfoh] U *rubricated* 60 onscunige] i *corr. from u*

54 gewrohte] geworhte B 61 næfre] æfre B 62 arfæsta] arfæstosta B

55–57 sædest on þinum godspelle þæt mære bliss bið on heofonum . . . þe nanre dædbote ne behofiað: Lk 15:7.

60–63 7 ic þine bebodu lufige . . . swa hwæt swa ic amyrd þurh manfulle dæda: Ælfric, *Catholic Homilies II* V, ll. 222–25; CCCC 190: “Witað eac gebroðru þæt ðam menn naht ne fremað to behreowsienne gif he eft þære behreowsunge eft cirð to his ærran leahtrum.”

64–67 Gescylde me, drihten, wið þone swicolan deoful . . . 7 mid þinre mihtigan handa me gehealde wið hine: Ælfric, *Lives of Saints* XIV, ll. 162–64; XXV, ll. 688–96.

78–79 7 syle me forgyfenesse . . . æfter þisum lænan life: *ConfExh II*, p. 22, ll. 22–25.

79–80 Hælend Crist, gehyr ðas word . . . 7 þam halgan gaste butan anginne 7 ende: Ælfric, *Catholic Homilies II* IV, ll. 324–25; XXXV, ll. 128–30.

II

/46v/ Min drihten leof, for þinne þære mycelan mildheortnysse 7 for ealra
 pinra haligra lufan 7 gecearnunga, gemiltsa me synfullum swá swá þin mæra
 willa si 7 min mod to þinum willan gestranga 7 gestaðola; 7, min drihten,
 ne læt me næfre færlicum deaðe of þisum earm life gewitan ac loce hwænne
 5 min tíma beo 7 þin willa si þæt ic þis læne líf forlætan sceol<d>e. Læt
 me mid gedefnysse mine dagas geendian. Eac ic bidde þe, min drihten leof,
 <for> þines sylfes godnesse þæt þu me of þissere worulde ne læte ær ic
 þurh þine miclan mildheortnysse forgyfennysse hæbbe ealles þæs þe ic æfre
 ongean þinne mæran willan geworhte dæges opþe nihtes, gewældes opþe
 10 ungewældes, on worde oððe on weorce opþe on minum þistrum gebance.
 Heofena heahcynnig, ealles middaneardes onlýsend, gemiltsa me earminge,
 swa swa þu wille 7 þurh þæt þæt þu wille, 7 syle me minra gylta arfulle
 forgyfenysse ge on þisum life ge on þam toweardan; 7, min drihten, forgyf
 me soðe hréowe 7 ándetnysse 7 bóte minra sinna, 7 awyrf me fram minum
 15 unrihtwisnyssum to þinum willan 7 to minre þearfe; 7, min drihten, forgyf
 me rihtne geleafan 7 soðe lufe 7 eadmodnysse 7 arfæstnysse 7 clænnysse
 /47r/ 7 onbri<r>dnysse 7 strenco wið deofles costnunga, 7 gepild <on>
 earfoðnyssum 7 gemetfæstnesse on gesundfulnyssum. An<d>, min drihten,
 genehxa þa heardheortnysse minre þære stænenran heortan, 7 forgyf me
 20 teara genihtsumnysse þæt ic mæge þa misdædá bewepan 7 bereowsian þe
 ic earmig dægwallice ongean þinne willan gewyrce. An<d>, min drihten

5 sceolde] sceole MS 7 for þines] þines MS 17 onbrirdnysse] onbridnysse MS
 on] *tear in leaf* 18 And] An MS 19 genehxa] g *malformed* 21 And] An MS

(Title) Oratio pro peccatis B: Anglice C 1 Min drihten leof] Drihten C 4 earm]
 carman BC 5 læne] hlæne C 7 sylfes godnesse] sylfes naman 7 godnysse C
 þissere] þisse C 11 heahcynnig] heahcynig BC onlýsend] alysend C 12 þu
 wille 7 þurh þæt þæt þu wille] þin mæra willa sy C 13 þisum] þissom B 14 sinna]
 gylta C awyrf] ahwyrf BC 17 onbrirdnysse] onbryrdnysse B: onbryrdnesse C
 strenco] strenco C on] so BC 19 genehxa] gehnexa C heardheortnysse]
 heardnysse C stænenran] stænenan C 20 genihtsumnysse] genihtsum C
 bereowsian] behreowsian BC 21 dægwallice] dæghwallice BC gewyrce] wyrce C
 21–22 drihten leof] drihten C

8–10 ealles þæs þe ic æfre . . . opþe on minum þistrum gebance: Wulfstan, *Homilies* XXIX (25), p. 135, ll. 5–32.

13–14 forgyf me soðe hréowe 7 ándetnysse: III.23–24.

19–21 genehxa þa heardheortnysse . . . ongean þinne willan gewyrce: *Regularis concordia* gll. 428–31, p. 395.

- leof, onliht mi<n>re heortan gepanc mid lifes ándgite, 7 onliht mine word
 7 dæda 7 minum lichaman 7 sáwle 7 eall min lif mid gastlicum andgite,
 7 forgyf me þine mil<d>heortnyse ge on þisum life ge on þam toweardan.
 25 And, min drihten ælmihtig god, si þe lof 7 wuldor 7 þanc á on ecnesse
 7 eallum þinum halgum ealra þæra gifena 7 miltsa 7 goda þe þu me æfre
 forgeafe, 7 ealra þæra ára þe þu me synfullum to forléte. Ic bidde þe, min
 drihten, eadmodlice þæt þu helpe ealra minra freonda 7 mága 7 ealra þæra
 þe to minre gebedrædene þencað 7 hyhtað libbendra 7 forðgewitendra; 7
 30 forgyf þam lybbendon gesundfulnyse on þisum life 7 on þam toweardan
 éce myrhðe, 7 syle þam forðgewitenum heora gylta arfulle forgifenysses 7
 heofenan rices gefean á on ecnesse. Eac ic bidde þe, min drihten, þæt þu
 gemiltsige eallum þam þe me gód didon 7 gód tæhton, 7 syle éce for-
 gyfennesse eallum þam þe me æfre yfel cwædon oþþe þohton oððe gýta to
 35 donne þencað, 7 gestranga hi to þinum wyllan 7 gemiltsa eallum cristenum
 folce libbendum 7 forðgewitenum, eallum þam þe æfre fulwihtes bæð under-
 fæng<on>. Si þe lof 7 wuldor a buten ende. Amen.

22 minre] mire MS 23 andgite] d *interl.* 24 mildheortnyse] milheortnyse MS
 26 þæra] a *corr. from* e 29 minre] n *interl.* forðgewitendra] *hole in leaf after* r²
 36–37 underfængon] underfægum MS

22 onliht^{1,2}] onhliht C minre] *so* BC 23 minum] minne BC eall *om.* C
 24 mildheortnyse] *so* B: mildheortnesse C 25 And, min] Min C 26 miltsa]
 mildsa C 28 helpe ealra] me gehelpe 7 ealra C 29 forðgewitendra] forðgewitenra B
 30 lybbendon] libbendum C 7] ge C 31 myrhðe] myrliðe C heora] ealra heora C
 33 gemiltsige] gemildsige C þe] ðat C 34 æfre *om.* C þohton] geþohton C
 35 þencað 7] ðencað Drihten heofona heahcýning C gemiltsa] gemildsa C 36 þe
 æfre] ðe C fulwihtes] fulluhtes C 36–37 underfængon] underfengon B: un::fengon C
 37 Si þe lof 7 wuldor a buten ende] for ðinum naman C

III

- /47r/ Min drihten god ælmihtig, ic þe eom ándetta minra synna þara
 þe ic on minre gymeleaste wið þe geworhte. Min drihten god ælmihtig,
 ic þe eom andette bóte for mines lichaman /47v/ <un>syfernessum þara
 þe ic dages 7 nihtes worhte. Ic eom gewita morpres 7 ic eom wedloga 7
 5 manra aða gewita; ic hit þe mid god andette for ealle mine dæda ge gódes
 ge yfeles. Min drihten god ælmihtig, ic eom oferfagen mid sinnum to

3 unsyfernessum] *hole in leaf before initial* s

3 unsyfernessum] *so* B 5 mid] min B 6 oferfagen] oferfangen B (*orig.* oferfongen)

wyrmlice forþon þe forgimeleasade þine beboda. Ic eom andette bôte for ealles mines lichaman gecýnde 7 for ealle þa wæstmas þe minan synfullan lichamam gesette synd. Nu ic þe bidde, min drihten, for eallra þinra haligra
 10 lufan þeah ic þe þus synful to gecige for minum nydbearfum þæt þu gehæle mine sawle for minum synnum. Min drihten god, for ealra þinra apostola weorþunge ic þe halsie þæt þu me ne forlæte on þam egesfullan domes dæge þeah ic awácode. Min drihten god, for minre tynddernesse þeah ic þine bebodu ne heolde. Nu ic þe þeah halsie, min drihten god, for þære
 15 þrowunge þe þu þrowodest for ealra manna hælo 7 ic þe halsige, ælmihtig god, for þinum wuldorlican wuldre, hæle me for soðfæstra sawla onfænge. Min drihten god, forðon þu wære on byrgenne geset ne læt me belúcan on synfulra manna eardungstówe. Nu ic minum gewyrhtum þus wáce truwige for minum synfullum dædum. Min drihten god ælmihtig, forgif me minra
 20 synna lisse for minre nydbearfe. Min drihten god ælmihtig, forþon þu wære eadig on þinre modor innoðe ne forlæt me. Min *sanctus* Michael archangelus, beo þu me þingere to þam heofenlican scyppende, to ælmihtigum gode for minum mænigfealdum synnum. Min drihten god, syle me gedéfe reowe 7 soðe andetnysse eallra minra synna þara þe ic on minre gymeleaste gedide
 25 wið weras oþþe wið wif oððe on diglum me mid synfullum dedum gefilde. Min drihten god, ne læt me, synfulne man, deoflum gegán þeah hi <m>þe þus synlice costedon, /48r/ forþon þu on syx dagum gescope heofenas 7 eorþan 7 ealle woruldgescefta. Min drihten god, for ealre þære gescefta þe þu on syx dagum gescepen hæfdest, 7 þa þu gerestes on þam seofeþan dæge.
 30 Min drihten god, for þinan restingdæge gehæl mine sawle fram deofles anwealde of þam sinfullan hám forþon þær bið sorhful wop. Min drihten god, ne læt me aslidon on þa sinfullan eardungstowe þeah mine gewirhta þas wáce syn for minum gemealeastum. Nu ic þe bidde, min drihten, þæt þu me sylle gód ingegýd 7 gemynd þæt ic gelyfe on þe 7 on þa ealle þe for

13 minre] n interl. 16 wuldre] *tear in leaf after word* 24 minra] n interl.
 minre] i interl. 26 hi me] hine ms 30 god] go on erasure (?) þinan] in interl.
 34 ingegýd] ge interl.

19 synfullum] orig. firenlustfullum B (firenlust del., syn interl.) 25 synfullum] orig. firenfullum B (firen del., syn interl.) 26 hi me] so B 27 synlice] orig. firenlice B (firen del., syn interl.) 30 restingdæge] orig. restandæge B (an del., ing interl.) 31 þam] þem B 32 sinfullan] orig. firenfullan B (firen del., syn interl.)

23–25 Min drihten god, syle me gedéfe reowe . . . wið weras oþþe wið wife oððe on diglum me mid synfullum dedum gefilde: London, British Library Cotton Vespasian D.xx, fols. 87v–88r (ed. H. Logeman, “Anglo-Saxonica Minora [I],” *Anglia* 11 [1889]: 97–98, ll. 13–20).

- 35 þinum naman þrowodon. Min drihten, ic þe bidde for ealra þinra apostola
arwirðnyssse þæt þu me ne scéade of þam soðfæstan þe <gelyfaþ on fæder
7 on sunu 7> on þæne halgan gast. Nu ic bidde <7> halsige þa heofenlican
fæmnan Sancta Marian, swilce ic Michael 7 Gabriel 7 Raphael, Iohannes
7 Petrus 7 Paulus 7 Andreas, Iohannes 7 Iacobus 7 Matheus 7 :::: Philippus
40 7 Bartholomeus, Thomas 7 Iacobus, Simon 7 Taddéus. Nu ic halsige þa
cristes þegnas for heora ealdorlican setle þæt ge me, synfulne man, ne
sceadon on þa earmfullan þystra for minum yfelum weorcum. *Per te Iesu
Christe saluator mundi qui in trinitate perfecta uiuis & regnas in saecula
saeculorum. Amen.*

36 arwirðnyssse] w altered from r 36-37 gelyfaþ on fæder 7 on sunu 7] supplied
37 7] supplied 39 Philippus] erasure before word, pu on erasure 42 earmfullan]
letter erased after m

36-37 þe gelyfaþ on fæder 7 on sunu 7 on] ðe on ðe gelyfaþ on fæder 7 on suna 7 on B
37 bidde 7 halsige] halsige B 39 Matheus 7 ::::] matheus 7 iudas B 42 earmfullan]
orig. earmfulra B (ra del., lan interl.)

IV

- /48r/ <M>in drihten ælmihtig god, si ðe wuldor 7 þanc þæs þe þu me
oððe ænigum men æfre to miltsum forgeafe. Min drihten, si ðe þanc þæs
þe þu to wlite þine englas gesceope 7 eallum halgum sawlum to gefean
7 þa ealle þinum naman wuldrian on écnysse. Min drihten, si ðe ælmihti-
5 gum þanc þæs þe þu wære on menniscne lichaman acenned 7 ealra þara
eadmodnesse þe þu for eallum mancynne adruge 7 æteowdest. Forgif me
for þere eadmodnyssse miltse 7 /48v/ áre minra synna. Min drihten Crist,
si ðe þanc þæs þe þu on fúlwihtes bæð astige unsynnig ealra synna man-
cynne to micelre blisse, do me forlætnyssse ealra minra synna þara þe ic
10 æfre gefremede wið ænige gesceafte. Min drihten, si ðe þanc þæs þe þu
feowertig daga 7 nihta mancynnes synna on westene fæstes<t> 7 þæs leahtras
oferswiðedest 7 deoful genyþradest. Forgif me for þæs fæstenes áre
forlætnyssse ealra minra synna 7 þæs þe ic to lýt for minum synnum fæste,

1 Min] Din MS 8 þu] followed by descender (of f?) 10 æfre] orig. ær-; deleting
dots above and below shoulder of r and f formed from stem 11 fæstest] fæstes MS
13 synnum] erasure (?) before s

1 Min] so B 11 fæstest] so B (t² interl.)

7 mine leahtras ofswið þæt deoful næfre ne mote minre sawle ne minum
 15 licham derian. Min drihten, si ðe þanc þæs þe þu lete licham oferfón 7
 gebindan 7 swingan unsynninge. Forgif me for þære swingellan þe þe un-
 geleaffulle swungon, 7 slogan eal þæt on me þurh synna wunda geslegen
 si þæt þu þæt on me min hælend gehæle þurh þine mildheortnysse. Min
 drihten, si þe þanc þæs þe þu for mana lufan gebrowadest, 7 þæt þu ætforan
 20 eorðlices deman heahsetle gestode 7 his domas on þe sylfum gebolodest.
 Forgif me for þere eadmodnysse þæs domes þonne ic ætforan þinum
 heahsetle stande þæt þu þonne me ne fordeme ac me milde 7 árfull geweorðe.
 Min drihten, si ðe þanc þæs þe þu on þinum þæt halige heafod lete
 þ<ir>nnene beah asettan. Forgif me for þines heafdes gewælde þe þurh anig
 25 þinc ábulge ic þe bidde, min drihten, þæs ealles forgifnesse. Min drihten,
 si þe þanc þæs þe þu lete on þinum andwlite þa earmān 7 þa unlædan
 heora spatl spiwan. Forgif me for þære þrohunge þe hi on þinne andwlitan
 spætlodon þæt þu geclensie fram eallum besmitennyssum ge minne gast
 ge minne lichaman. Min drihten, si þe þanc þæs þe þu lete þinne lichāman
 30 bereafian þynes hrægeles, 7 hine þa /49r/ on rode ahon, 7 for ealles man-
 cynnes hæle þin feorh gesealdest. Forgif me for þære áre þines lichaman
 7 þines hrægeles þæt þu me do forgifenesse ealra minra synna mildelice.
 Min drihten, si þe þanc þæs þe þu þin halige sweorbán geeadmeddest to
 þon þæt þu rode galgan underhnige. Forgif me forlætnysse ealra þara
 35 oferhigda 7 þæs unnittan gylpes þe ic æfre me sylfum úpaóf to unrihte.
 Min drihten, si ðe þanc þæs þe þu on rōde treow áohfe, 7 ealra manna
 synna awurpe þam þe sylfe woldon on þe geleafan 7 gehyhtan. Forgif me
 for þere are þinre þrowunge þæt þu me hæbbe þurh þa of ealum minum
 synwundum. Min drihten, si þe þanc þæs þe þu mid þinum clænan muðe
 40 7 tungan eced 7 eallan bergdest. Forgif me for þære eadmodnysse þe ic
 þines muðes ealle þa biternysse þe ic æfre æt þinre heortan gefremede oppe
 ic æfre mid muðe to unnytte gecwæde þone ic me to þe gebiddan sceolde

24 þirnnene] þirnnene MS 35 unnittan] ni interl.

14 ofswið] oferswiðdest B 15 derian] sceþþan B (del., derian interl.) lete] lete
 þinne B licham] lichaman B (orig. lichoman) 17 synna] firena B (del., synna interl.)
 20 gebolodest] aremdest B (del., gebolodest interl.) 24 þirnnene] þirnnene B heafdes]
 heafdes are eall þæt ic æfre mid mines heafdes B 26 lete] forlete B 27 spatl] horh B
 (del., spatl interl.) 30 ahon] ahebbæn B (del., ahon interl.) 32 me do forgifenesse]
 ongerē me B (del., me do forgifenesse interl.) 35 úpaóf] upahóf B 39 synwundum]
 firenum B (del., synwundum interl.) 42 gecwæde] agelde B (del., gecwæde interl.)

26–27 7 þa unlædan heora spatl spiwan: OE *Cura pastoralis* cap. XXXVI (Hatton MS),
 p. 261, ll. 7–10.

- 7 þinne naman wurðian 7 wuldrian; syle me, drihten, þæs ealles forgifenyssse for þines muðes áre, <þi>nra tungan, 7 þinra welera. Min drihten,
 45 si ðe þanc <þæ>s þe þu þine earmas on rôde apenedest 7 þine anda 7 fæt lete mid næglum þurhdrifan 7 þine sidan gewundian 7 wæter 7 blod of i<n>nan 7 þæt mancynne eces lifes to wedde gesettest þam þe hit mid rihte geearniað. Forgyf me for þinra wunda ára þæt þu gehæel on me ealra minra synna wunda 7 mé forgyf þæt ic næfre unmedemē ne untrum to þinum
 50 lichamam 7 to þinum blode ne gänge ac me forgyf þæt me sio ándfenges mote to ecere hælo geweorðan. Min drihten, si ðe þanc þæs þe þu lete þinne lichaman on græf aalecgan 7 on helle grundas astige 7 ealle halge sawle þanan /49v/ aleddest 7 deoful geniparadest 7 helleduru towurpe for mana lufan. Forgyf me for þære áre þonne min lichama gedrefed licge þæt þu
 55 þonne minne gast in on þa grundas ne sáende ne hine ne sette on hellewíta. Min drihten, si ðe þanc þæs þe þu þine eagan 7 þine earan for manna lufan on deaþe betýndest. Forgyf me, min drihten, eal þæt þe ic æfre mid minum eagam to unnytte gesáwe oððe mid minum earum to unnytte gehyrde; sele me þæs ealles forgyfenesse ofor þinra eagna áre 7 þinra eárena.
 60 Min drihten, si þe þanc þæs þe þu mid þinum þam clænan hrife hungor 7 þurst 7 cyle þrowodest. Forgyf me for þære áre forlætnysse ealra frecednysse 7 synlusta þe æfre on me gefremede wæron, 7 me mid sumere gife 7 mid suman speárcan þæs halgan gastes onliht for þære áre þines þæs halgan innoðes sé á wæs mid godcundnysse gefylled. Min drihten, si þe þanc þæs
 65 þe þu þinne ricg 7 þine cneowu on Oliuétes dune gebigdest 7 þine tearas agute 7 for manna cynne to þinum fæder gebæde. For þære áre ic þe bidde, min drihten, þæt þu me gemiltsie ealles þæs þe ic to sláw wæs mine leomu for þe tobiganne 7 mine tearas togeotanne, 7 me forgyf þæt ic mote inne on þam geryme beon þe þu þa fore gebæde, 7 þæt ic mote cuman beforan
 70 þin heahsetl 7 mine heortan 7 mine eagan onlyht þæt ic mæge on þinre lufe héran 7 mine synna gebetan. Min drihten, si þe þanc þæs þe þu þinē

44 þinra¹] þi obscured: follows hole in leaf 45 þæs] þæ obscured: follows hole in leaf
 47 innan] irnan ^{MS} 52 þinne] n¹ interl. 58 unnytte] erasure after n¹ 66 þinum]
 hole in leaf after þi 67 drihten] hole in leaf after dr

43–44 syle me, drihten, þæs ealles forgifenyssse] alet in ðæs ealles B (del., syle me drihten þæs ealles for interl.) 47 innan] irnan B 49 synna] firena B (del., synna interl.)
 50 gänge] ge ne þe B (e ne þe del., ange interl.) 59 ofor] so B 62 synlusta] firen-
 lusta B (firen del., syn interl.) sumere] hwylcre hwugu B (del., sumre interl.) 65 ricg]
 hricg B 67 gemiltsie] alæte B (del., gemiltsige interl.) sláw] sæne B (del., slaw interl.)
 69 gebæde] B (min geswip from a del.) 71 gebetan] cwipan B (del., gebetan interl.)

46–47 7 þine sidan gewundian 7 wæter 7 blod of innan: Jo 19:34.

fét léte on deaðe acolían þe þu ærest mid eodest 7 mancynn to life laðodest.
 Forgyf me for þinra fota áre eall þæt ic æfre mid minum fotum unnyttes
 geeode oððe unnyttes gedyde. Min drihten Crist, si þe þanc ealles þæs halgan
 75 innoðes áre /50r/ se wæs á mid godcundnyssse gefylled. Forgyf me for þines
 innoðes áre eall þæt þe min innoð sy mid gefylled unrihtra lustra oððe
 on fæstene oððe on idlum gylpe oððe on tylnesse oððe on twispræce oððe
 on dyrnum gelegere oððe on yfelre trumnyssse opþe on yfelum niðe, ægwiłce
 80 ic æfre mid besmiten wæs. Forgyf me for þines innoðes áre þæt þu adilige
 eal mine Leahtras of minum innoðe þæt hi syn clæne. Min drihten, si þe
 þanc þæs þe þu þinne gast þinum fæder bebudu þa þu woldest for manna
 cynne deað þrowian. Forgyf me for þære áre þonne ic scyle of þisse worulude
 faran þæt þu þonne minum gaste onfo mid sibbe, 7 ic hine mote þe bebeodan
 85 þe læs þe him se awyrgda gast dérian mote. Min drihten, si ðe þanc þæs
 þe þu of deaþe arise eallum manncynne to gefean. Forgyf me for þære æriste
 áre þæt þu me of synna deaðe awece on domes dæge mid þinum halgum
 7 me þonne ærist forgyfe 7 éce life. Min drihten, si þe þanc þæs þe þu
 on heofenas astige. Forgyf me for þinum upstige of þam halgum þinum
 90 fultum þæt ic mæge þurh þone fultum of minum synnum upastige to þinre
 mildheortnyssse 7 up becumen of þisse deaðlicnyssse. Min drihten, si ðe þanc
 þæs þe þu haligne gast onsendest þinum foresprecenum þegnum to þam
 þæt hi þinne tocyme bodedon 7 þine mihte manncynne lærdan 7 sædan.
 Forgyf me for þære áre þines halgan gastes wætwugu sprecan þine god-
 95 cundnyssse minre sawle to ecere helo. Min drihten Crist, si þe þanc þæs
 þe þu þænne cymst to dóme eallum manncynne 7 eallum sawlum bið ærist
 forgifen mid lichaman 7 hiom þonne /50v/ bið demed eallum beforan þinum
 heahsetle be hiora sylfra gewyrhtum. Min drihten, for þære miclan mild-
 heortnyssse ne forðem þu me þonne on þa wy<n>st<r>an hand ne mé ascúf
 100 to þam þe þu þonne tocwyst gewítað ge awyrgde fram me on þa écan witu
 hellebrynes þe eow wæs gegearwod fram fruman middangeardes for eower

83 worulude] r *alt.* from a 86 manncynne] *erasure* (um?) after n¹ 90 þone]
 orig. þonne (n¹ *del.*) 99 wynstran] wyrstan MS

74 gedyde] agelde B (gedyde *del.*, agelde *interl.*) 76 lustra] lusta B 77 tylnesse]
 tælnesse B 78 on yfelum] B (tolatu niþe *del.*, after on, yfelum niðe *interl.*) ægwiłce]
 æghwylce B 85 dérian] sceapðan B (*del.*, derian *interl.*) 87 synna] firenan B
 (*del.*, synna *interl.*) 94 wætwugu] hwelcne hwugu B (hwelcne *del.*, hwæt *follows*)
 96 þænne] nu hwonne B (*del.*, þænne *interl.*) 98 þære] þinre B 99 wynstran]
 wyrstan B

101 þe eow wæs gegearwod fram fruman middangeardes: IV.113–14.

- galnysse gálra dæda þa scylon brúcan deaðes butan dreame á to widan feore. Min drihten god ælmihteg, si ðe þanc þæs þe þu þonne ætywest þinra handa dolhswaða 7 þinra sidan 7 þinra fota 7 ealle þine eadmod-
- 105 nysse on þam miclan dæge beoð on þe sylfum gesyne. Forgif me þonne, min drihten, for þinre eadmodnysse eall þæt ic nu litle eadmodnysse on minum lichaman for þinum naman geþrowode 7 to feale forgymde on mine gymealeasnysse godra dæda 7 yfeles to fela gefremede. Gyt ic þe bidde, min hælend, forgyf me for þinra wunda áre þæt þu gehæle on me ealra
- 110 minra synna wunda þæt ic min þonne ne þurfe scamian for þam miclan þreate heofonwarena 7 ealra eorðwarena. Ac forgif me þæt ic mote beon mid þinum gecorenum halgum þa þe on þa swiþran hand beoð to þam þu þonne cwyst: Cumað ge geble<t>sode 7 onfoð mines fæderrice þe eow gearwod wæs fram fruman middangeardes, eowere welwillendnesse
- 115 godra dæda þær gemotan mid eallum halgum libban mid dreame butan deaðe, on swégle bútan susle, mid fæder 7 mid suna 7 mid þam halgan gaste á on ecnesse. Ámen.

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107 mine] n *malformed* (*scribe orig. began r*) 112 swiþran] þ *alt. from r* 113 ge-
bletsode] geblesode *MS*

107 forgymde] agelda *B (del., forgymde interl.)* 108 gefremede] aræfnde *B (del., gefremede interl.)* 110 synna] firena *B (del., synna interl.)* 114 welwillendnesse] welwisse *B (del., welwillendnysse in left margin)* 115 libban] lifgean *B (del., libban in left margin)*

110–11 þæt ic min þonne ne þurfe scamian for þam miclan þreate heofonwarena 7 ealra eorðwarena: *ConfExh II*, p. 21, ll. 5–7.

113–14 Cumað ge gebletsode . . . fram fruman middangeardes: Mt 25:34; Oxford, Bodleian Library Hatton 114, fol. 114v (ed. Joyce Bazire and James E. Cross, *Eleven Old English Rogationtide Homilies* [Toronto, 1982], p. 143, ll. 103–5).

“BENEDICTUS QUI VENIT IN NOMINE DOMINI”:
A THIRTEENTH-CENTURY SERMON
FOR ADVENT AND THE MACARONIC STYLE IN ENGLAND

Alan J. Fletcher

OXFORD, Bodleian Library Bodley 26 has not been widely noticed, and none of the texts in it, apart from a Middle English carol copied near the end, has been edited *in extenso*.¹ Its comparative neglect, symptomatic of a malaise that has long afflicted the study of manuscripts of its kind, has consequently obscured its general interest as a Franciscan compilation, as well as its particular interest for students of the medieval sermon in England. I have no intention of making exaggeratedly large claims for its importance in some attempt to redress the balance, but I hope to bring it to wider notice as a manuscript containing an early example—one of the earliest of which I am aware—of a phenomenon that is more frequently associated in the field of medieval English sermon studies with manuscripts of the fourteenth and fifteenth centuries, and one that has caused no little

¹ I dedicate this article to the memory of Osmund Lewry, O.P. Printed notices of Oxford, Bodleian Library Bodley 26 are not numerous. Among the more noteworthy are the following: C. Brown, ed., *Religious Lyrics of the XIVth Century*, 2d ed., revised by G. V. Smithers (Oxford, 1957), pp. 110–11, no. 88 (where the carol “Honnd by honnd” is printed) and p. 272 (where the manuscript is described); J. B. Schneyer, “Eine Sermonesliste des Nicolaus de Byard, O.F.M.,” *Archivum Franciscanum Historicum* 60 (1967): 3–41 (where on p. 9 the Advent sermon beginning on fol. 173 is identified as the work of Nicholas de Byard); L. Thorndike, *A History of Magic and Experimental Science*, 8 vols. (New York, 1923–58), 1:694 (where fols. 207r and 216v are observed to contain the *Sphere of Pythagoras* or Apuleius); R. L. Greene, ed., *The Early English Carols*, 2d ed. (Oxford, 1977), p. 6, item 12a (where “Honnd by honnd” is printed and dated as ca. 1350) and p. 316 (where the manuscript is described); R. H. Robbins, “The Earliest Carols and the Franciscans,” *Modern Language Notes* 53 (1938): 239–45 (on p. 243 he incorrectly states that the sermon on the theme “Audi, filia, et vide,” fols. 192r–201r, has a carol embedded in it; rather, the suspected carol proves to be rhymed English lines used to mark the sermon’s structural parts); and H. G. Pfander, *The Popular Sermon of the Medieval Friar in England* (New York, 1937), 46 (where he takes the manuscript to be Franciscan, and notes the use of verse in “Benedictus qui venit in nomine Domini,” as well as in the sermon “Audi, filia, et vide”). Strangely, Bodley 26 has escaped notice in S. Wenzel, *Verses in Sermons: Fasciculus Morum and its Middle English Poems* (Cambridge, Mass., 1978) and in his *Preachers, Poets, and the Early English Lyric* (Princeton, 1986).

debate: this is the phenomenon of macaronic prose and its status in the culture of preaching.²

It may be useful first, however, to describe this unfamiliar manuscript before turning to the item in it with which this article is concerned, its sermon for the first Sunday in Advent on the theme "Benedictus qui venit in nomine Domini."

THE MANUSCRIPT

Bodley 26 is a small parchment compilation of iii + 206 + iv leaves (fly-leaves i–ii are of paper, as are endleaves iii–iv). The leaves are approximately 151 × 116 mm. A medieval foliation was added, with consecutive numbers in the top right-hand corner of each leaf in ink, and runs between fols. 1 and 218. It is complete, except where folios have gone missing, and where it skips one folio after fol. 76 and another, on which a modern foliator has written "201a," after fol. 201. In addition, three other medieval foliation systems which must be slightly earlier, as will become clear, make a brief appearance in the manuscript: one in quire 9, which is added in ink at the top centre of each leaf, runs from "184" to "194"; another in quire 10, also in ink and in the same place though in a different hand, runs from "56" to "67"; and a third in quire 12, in ink and in a different hand again but this time in the top right-hand corner, runs from "45" to "54." The original folio numbers on the first six leaves of quire 12 (that is, "45" to "50") are cancelled, probably in the ink of the hand that added the final consecutive foliation. The collation of the manuscript is straightforward, though occasionally leaves have been lost, and a quire of twelve, it appears, has gone missing between quires 8 and 9. The collation is as follows (folio references are those of the first foliation system described above): iii + 1²⁴, 2–3¹², 4¹⁶, 5¹⁴, 6¹³, (fols. 80–92; wants one after 9), 7¹⁰, || singleton completing quire 7 ||, 8⁸ (fols. 104–111; wants two after 8), || missing quire of twelve ||, 9¹¹ (fols. 124–134; wants one after 8), 10¹², 11⁸, 12¹⁰, 13⁸, 14¹⁹ (fols. 173–191; wants one before 1), 15–16¹², 17² + iv. The manuscript has a postmedieval binding, but traces of wood grain and thong impressions on the recto of flyleaf iii and on the verso of endleaf ii (both raised parchment pastedowns) suggest it had an earlier, medieval binding of wooden boards. The dimensions of the written text on a leaf vary according to the scribes at work, and

² The question of the language of actual sermon delivery which this phenomenon broaches has been particularly insistent. A survey of this issue is given in Wenzel, *Verses in Sermons*, 86–87.

of these there are at least sixteen. Their stints are described in the following table, and an approximate palaeographical date is given for each:³

<i>Scribe</i>	<i>Folios copied</i>
A (s. xiii ex.)	1r–64v (quires 1–4)
B (s. xiii ex.)	65r–83v (quire 5 and the first four leaves of quire 6)
C (s. xiii ex.)	84r–103r (the rest of quire 6 plus quire 7 and the singleton added to it before quire 8)
D (s. xiii ex.)	104r–111v (quire 8)
E (s. xiii ^l)	124r–134r (quire 9)
F (s. xiv in.)	135r–146r (quire 10)
G (s. xiv in.)	147r–154r (quire 11)
H (s. xiv in.)	155r–164r (quire 12)
I (s. xiv in.)	165r–172r (quire 13)
J (s. xiii ex.)	173r–191r (quire 14)
K (s. xiv in.)	192r–202r (quire 15)
L (s. xiv in.)	203r–206r (the beginning of quire 16, to the recto of the fourth leaf)
M (s. xiv in.)	206r–v (beginning halfway down the recto of the fourth leaf of quire 16 and ending three lines down its verso)
N (s. xiv in.)	206v–207r (beginning where M leaves off, and continuing to the recto of the quire's fifth leaf)
L	207v–209r (the verso of the fifth leaf, the sixth leaf, and three quarters of the recto of the seventh)
O (s. xiv in.)	209r–214v (beginning where L leaves off, and continuing to the end of quire 16)
N (s. xiv in.)	215r–216r (beginning of quire 17, through the recto of the second leaf)
P (s. xiv in.)	216v (the verso of the last leaf of quire 17)

The scribal arrangement and the evidence of the four foliation systems suggest various conclusions about how Bodley 26 was put together. Its first seven quires, roughly half its entire length, were originally intended to form a unit in their own right. The scribes active in them, A, B, and C, were all contemporary with each other, and wrote late thirteenth-century varieties of script. They may all have worked in collaboration; A and B certainly did. This collaborative pattern ceases after the gap, apparently of twelve leaves, that follows quire 8. When the manuscript resumes with quire 9, the scribe, E, writes with a much earlier hand, the earliest in fact in the

³ Dating formulas used here follow N. R. Ker, *Medieval Manuscripts in British Libraries: I. London* (Oxford, 1969), p. vii.

manuscript. It probably dates to the first half of the thirteenth century.⁴ Also, his stint is accompanied by the first of the alternative foliation systems, located at the top centre of each page. Scribe E's quire, then, would seem originally to have belonged to an earlier, independent compilation that was later broken up and eventually reallocated here. Something similar also appears to have occurred in the case of the next quire. Quire 10, which like quire 9 shares the general top-right foliation of the manuscript, introduces the second of the alternative foliation systems, again located at the top centre of each page. Since its top-centre foliation was not written by the same person who wrote the top-centre foliation in quire 9, however, it appears that quire 10 was derived not from the compilation which yielded quire 9 but from yet another one which shared a similar fate. This seems also to be the case with quire 12. Quires 11, 13, 14, and 15, were written respectively by scribes G, I, J, and K, who were more or less contemporary (J is a little earlier, dating to the late thirteenth century), but it is impossible to tell whether or not they were collaborating (scribe H could not have collaborated with these four, since quire 12 may have derived from an independent compilation). However, the last two quires, 16 and 17, must have been either the product of collaboration once more or the product of a group of scribes who variously had access to the same two quires.

Bodley 26, therefore, an evident compilation, is most efficiently explained as being the product of some final, unknown compiler⁵ to whom different manuscripts or *quaterni* were available, including material from at least three other originally discrete compilations.⁶ Since certain of his sources were of Franciscan origin, he may have had his hand on the resources of a conventual

⁴ Compare A. G. Watson, *Catalogue of Dated and Datable Manuscripts c. 700–1600 in The Department of Manuscripts, The British Library*, 2 vols. (London, 1979), vol. 2, pl. 135.

⁵ Perhaps he shows his hand in the top right-hand corner foliation that runs throughout the manuscript. This seems evidence of an early (fourteenth-century?) attempt to coordinate the manuscript. There are other signs of such attempts. On fol. 2v, in a hand intruded into what was originally a spare space, is written "Themata subscripta continentur in quaternis sequentibus et que non sunt hic scribuntur post." At the foot of fol. 36v, in a hand similarly intruded, is written "hic deficient collaciones nisi posint invenire [*for inveniri*]." Also, on fol. 84r at the bottom of the list of themata is written "Iste collaciones continentur in quatuor quaternis sequentibus," and on fol. 84v at the top, "Iste themata sunt de collacionibus precedentibus super Lucam."

⁶ On the *quaternus*, see P. R. Robinson, "The 'Booklet': A Self-Contained Unit in Composite Manuscripts," *Codicologica* 3 (1980): 46–69. Occasionally, Bodley 26 refers to *quaterni*: the list of themata on fol. 84r (see n. 9 below) refers to collations "in quatuor quaternis sequentibus," and these begin on fol. 85r and extend as far as fol. 103r. These folios must have constituted the first part of the original four *quaterni*, though the remainder are lost (probably two, since a quire of eight, fols. 85–92, and a quire of ten, fols. 93–102, plus a singleton, fol. 103, are extant).

scriptorium or centre.⁷ Where this may have been is not known: though scribe D produces a variety of written Middle English locatable in the north Lancashire or west Yorkshire region and scribe K produces one locatable in the region of Gloucestershire or Worcestershire, this is of no real help in determining the provenance of the compilation as a whole, especially not when the various component *quaterni* of that compilation, if indeed of mendicant origin, would formerly have been liable to roam with their owners.⁸ The centre in which the components were finally assembled may nevertheless have been one of some importance, to judge by the extent of the resources to which the compiler had access. He was probably active some time in the first half of the fourteenth century, and his principal interest, to judge by the contents of his compilation, was in preaching.⁹ The most reasonable assumption would seem to be that he was a Franciscan himself. Certainly his practice of compiling a manuscript of small format is characteristic of the mendicant movement, where practical portability would have been one of the first considerations of the itinerant preacher.¹⁰

THE SERMON

Amongst the material he selected was a macaronic sermon for Advent on the theme "Benedictus qui venit in nomine Domini" (Mt 21:9). This

⁷ There are various indications of Franciscan provenance throughout the manuscript. For example, on fol. 147r, before copying the sermons, scribe G writes at the top of the page "Ihesus Maria Franciscus." A similar formula in another hand, but of comparable date, appears at the top of fol. 192r, though here it is partially cut away by the binder's knife. In other respects too the manuscript seems a typical mendicant product; see K. W. Humphreys, *The Book Provisions of the Mediaeval Friars 1215-1400*, Studies in the History of Libraries and Librarianship 1 (Amsterdam, 1964), 46-66 and 99-118.

⁸ These are only approximate locations which I have broadly deduced from resources published in A. McIntosh, M. L. Samuels, and M. Benskin, *A Linguistic Atlas of Late Mediaeval English*, 4 vols. (Aberdeen, 1986). Linguistic analysis of the earlier corpus of Middle English is still in progress.

⁹ A summary of contents, following the latest medieval foliation, is as follows: fols. 1r-2v, preaching notes; fol. 2v, themata for collations on Luke (that is, for the collations that follow on fols. 3r-39v); fols. 3r-83v, collations on Luke; fol. 84r, themata for the preceding collations on Luke (that is, for those on fols. 39v-83v); fols. 85r-103r, collations; fols. 104r-111v, sermons (including "Benedictus qui venit in nomine Domini"); fols. 124r-134r, sermons; fols. 135r-145v, sermons; fols. 147r-172r, notes (including a sermon by Nicholas de Byard); fols. 192r-201r, sermon (on the theme "Audi, filia, et vide," with English verses); fol. 202v, carol "Honnd by honnd we schulle ous take"; fols. 203r-216v, works on arithmetic and physiognomy and grammatical sophismata (including two diagrams of the *Sphere of Pythagoras*). (A briefer list of contents may be found in F. Madan and H. H. E. Craster, *A Summary Catalogue of Western Manuscripts in the Bodleian Library at Oxford*, vol. 2, pt. 1 [Oxford, 1922], 91-92, SC 1871.)

¹⁰ See D. L. d'Avray, *The Preaching of the Friars: Sermons Diffused from Paris Before 1300* (Oxford, 1985), 57-62.

sermon is the second in a group of five that constitute the whole of quire 8. The group is somewhat heterogeneous: the first sermon, based on an Old Testament theme, is for no specified occasion ("Egressus es in salutem populi tui"; Hab 3:13); the third is for Trinity (on the theme "Testimonia tua, Domine, credibilia facta sunt nimis"; Ps 92:5); the fourth is for Pentecost (on the theme "Accipietis virtutem supervenientis spiritus sancti in vos"; Act 1:8); and the fifth is for the feast of St. John the Baptist (on the theme "Iohannis est nomen eius"; Lc 1:63). All are written in scribe D's tiny hand, one rendered even more condensed by his liberal use of abbreviations (see plate). His advanced tachygraphy shows him capable of writing at speed, though there is no indication that the five sermons of this group were copied as *reportationes*, notes speedily taken down from sermons actually being preached; he seems to have simply been economical with his parchment.¹¹ Similarly, his manner of copying would suggest that he was writing his text for consultative purposes rather than for any immediately practical purpose of providing the preacher with a manuscript from which he might preach directly.¹²

"Benedictus qui venit in nomine Domini" is not the only sermon in the group to contain English, but it contains it the most extensively. The fourth sermon, for example, draws attention in the left-hand margin of fol. 110r to a vernacular proverb, "Nota proverbium 'Wen þe bale,' et cetera," which is probably that which appears in the earlier and better known context of *The Owl and the Nightingale*.¹³ As Wenzel observes, proverbs in the vernacular were amongst the earliest specimens of rhymed English to find their way into Latin sermon collections.¹⁴ Use of "Wen þe bale" would thus run true to form and, with the two brief snippets of English which occur in the fifth sermon,¹⁵ its appearance here at this date is neither remarkable nor surprising. The English of "Benedictus qui venit in nomine Domini"

¹¹ See M. B. Parkes, "Tachygraphy in the Middle Ages: Writing Techniques Employed for 'Reportationes' of Lectures and Sermons," *Medioevo e Rinascimento* 3 (1989): 159–69.

¹² In fact, the weight of the evidence suggests that he is copying guides for prospective sermons. Note, for example, the advice to the preacher of "Benedictus qui venit in nomine Domini": "pone exemplum de beato Francisco" (see p. 227, lines 98–99), which sounds more like a memo to someone reading over notes in advance than an instruction to a preacher in full flow to start improvising.

¹³ "Wone þe bale is alre hecst / Þonne is þe bote alre necst" (E. G. Stanley, ed., *The Owl and the Nightingale* [London, 1960], p. 69, lines 687–98; the poem attributes the proverb, which also appears at lines 699–700, to King Alfred). The earliest appearance that B. J. and H. W. Whiting cite, in *Proverbs, Sentences and Proverbial Phrases from English Writings Mainly Before 1500* (Cambridge, Mass., 1968), p. 20, B22, is in the *Wohunge of Ure Laverd*, ca. 1225.

¹⁴ Wenzel, *Verses in Sermons*, 95–97.

¹⁵ Bodley 26, fol. 111r, "he es a man," and fol. 111r–v, "gret clergie."

is, however, in quite another class. In order to illustrate it and its function in context adequately, I edit the complete sermon here.¹⁶

/fol. 107r/

DE ADVENTU

“Benedictus qui venit in nomine Domini.” Matthei.

“Blisced be his holi com

Pat cums in ur Lord nom.”

- 5 Thre thinges do þe messenger be ondfongen wyt menskkful chere. If he com fram gret lording, if he bring þe god tyþng, if þat gode be ner comminge. Et ista tria fuerunt in nuncio nostro Christo. Nam if you see þe gret lordinge, he coms in our Lordes nom. If you ask þis gode tiþng, he brings Goddis bliscyng ʀon to monʀ. If you thinke of þis comyng he coms, lo, fort onon.
- 10 Primum ibi, “in nomine Domini.” Iste enim non quivis est dominus, sed “rex regum et dominus dominancium.” Dominus, inquam, quo maior cogitari non potest. Quia “Scitote,” inquit, “quod Dominus ipse est Deus.” Secundum ibi, “benedictus,” nam word bringging of gode tiding es i-called blisced tiþnge. Non ne com never onto mon so [co] gode tiʀʀyng als thoruh
- 15 þis com. “Est enim super omnia benedictus in secula,” Romanos. Tercium ibi, “qui venit.” Nota languorem antiquorum dominancium. Num putas veniet? Scio quod veniet. Tarde venit. Et tandem, “prope est ut veniat tempus eius,” et cetera. In Anglice sic: “Ne think þe noht his day to longe, for

2 Mt 21:9. Here, as elsewhere, the scribe’s tendency is to underline biblical lemmata (see plate).

11 Deut 10:17.

11–12 quo . . . potest: possibly deriving from Anselm’s ontological argument (see M. J. Charlesworth, trans. and ed., *St. Anselm’s Proslogion* [Oxford, 1965], p. 116), where God is “aliquid quo maius nihil cogitari potest.”

12 Ps 99:3.

15 Rom 9:5.

17–18 Is 14:1.

¹⁶ In the sermon edited here, modern punctuation, capitalization and word division have been introduced and abbreviations expanded without notice. Where appropriate, numerals have been expanded to their full medieval Latin form (for example, *3m* as *tercium*). Text marked in the manuscript for insertion is given in the place intended between half square brackets: ʀ ʀ. Scribal copying errors are marked with square brackets: []. The use of *ff* for capital *F* has been retained. For the sake of clarity, the letters *Y* and *y* have been changed to *P* and *p* as appropriate, but it should be noted that thorn is never actually used in the sermon. (This distinction is regionally significant, and one of the indicators of northern Middle English. See M. Benskin, “The Letters <þ> and <y> in Later Middle English and Some Related Matters,” *Journal of the Society of Archivists* 7.1 [1982]: 13–30.) The letters *u* and *v* have also been standardized according to modern usage.

his tym es her and hond." Sin he coms tan fram swilk lording, and bringes
 20 til us so gode tīpng, and þis gret gode es so ner comyng, wyt alkyn scil
 þis messengere syould be welcomd wit losly chere.

Sed in quibus, putas, stat Christi cultus? In riche cloþnge? In mangeries?
 In fair dihtinge? In drueries? Þis riche cloþng es noht skarlet na velvet,
 bot a serk of chastite and a kirtil of humilite, a sourcot of charite and
 25 mantil trouht of þe Trinite. Primum, quia iocale pulcrum non ponitur in
 fimario sed in forceario. Secundum, quia humilis non habitat cum superbis.
 Tercium, quia "ubi caritas et amor, ibi Deus est." Quartum, quia magister
 non admittit discipulum qui eius non vult suscipere documentum.

Þis mangeries nes nouþer flesly daynte ne fysly plente, sed devocioun
 30 and orisoun, huselyng at God̄'s borde and herkening of Goddes worde.
 Hec enim sunt quatuor fercula convivii spiritualis, quibus libenter Ihesus
 Christus et omnis reficitur christianus. Primum, quia sancta tempora sunt
 in sanctis operibus occupanda. Secundum, quia in sanctis temporibus magis
 propicius est Deus hominibus, modo mangnorum qui in diebus suis festis
 35 et petitiones exaudiunt et donaciones distribuunt. Tercium, propter exemplum
 antiquorum, qui primo cotidie, demum omni die dominica, post ter adminus
 in anno communicaverunt. Quartum, quia "qui ex Deo est verba Dei audit."
 Nota: casus appetitus est signum infirmitatis.

Þis proud [de] tiffynge nes na crokettes na shavinge quantum ad homines,
 40 na lokettes na smeringe quantum ad mulieres, sed sunt hertly compunccioun,
 clenli confessioun, þe warme tere in þe yhe and a sobbyng bot noht on

19 and¹] *sic* MS for "an" or "on."

22 mangeries: "feasts" (the earliest example of this word given in the *Middle English Dictionary* is late fourteenth century).

23 dihtinge: "adorning," "arraying" (the earliest example of this word in this sense given in the *Middle English Dictionary* is fourteenth century).

drueries: "love-making," "flirtation" (the earliest example of this word given in the *Middle English Dictionary* is ?1300).

27 Though possibly inspired by 1 Jo 4:8 or 4:16, perhaps more directly a reminiscence of the Maundy hymn *Ubi caritas et amor, Deus ibi est* (see G. M. Dreves, ed., *Analecta hymnica mediæ ævi*, vol. 12 [Leipzig, 1892], 24–26; and cf. A. Wilmart, "L'hymne de la charité pour le Jeudi-Saint," in *Auteurs spirituels et textes dévots du moyen âge latin* [Paris, 1932], 26–36).

29 daynte: "choice food," "dainty" (the earliest example of this word given in the *Middle English Dictionary* is fourteenth century).

fysly: a hapax legomenon, evidently an adjective meaning "of fish," "fishy."

30 huselyng: "receiving Holy Communion" (the earliest example of this word given in the *Middle English Dictionary* is fourteenth century).

34 mangnorum] *sic* MS (nasal suspension over the *a*) for "magnorum" (and see similarly below, line 48).

37 Jo 8:47.

39 crokettes: "ornamental curls," "rolls of hair" (the earliest example of this word given in the *Middle English Dictionary* is fourteenth century).

heye. Quia it ne es so foul macula in facie anime, quin ista non alluant, nec ita parvus capillus in capite, quin ista ad suum locum non dirigant.

Bis drueries ner na ringge in þe finger, na cuifhefftis of silver, na gret
 45 bedes of coral, na gildin gaudes þer wital, bot swet speche and holi werkes,
 for þes of Goddes worshep er þe merkes. Que ut digne mereamur habere,
 in primis debemus orare, et cetera. /fol. 107v/

Iste mangnus dominus est Pater et Filius et Spiritus Sanctus. Pater enim
 mittit appropriate loquendo wit a selli miht, Filius wit a semli riht, Spiritus
 50 Sanctus wyt a seli lyht. Et correspondenter his venit Filius primo onto mans
 kynd, secundo onto mans mind, tercio onto þe demyng. Primum de preterito,
 secundum de presenti, tercium de futuro. Et ex hiis tribus adventibus et
 cetera appropriate loquendo, correspondenter et cetera tria nobis commoda
 seu benedicciones venerunt. Et quia opposita iuxta se posita magis apparent,
 55 ideo primo memorandum est que et quot dampna incurrimus ex peccato
 primi parentis, et sunt tria, scilicet, Goddes wrehtfol werraynge, mans ruful
 utlauhyng, and þe dev^els myhtful masteryng. Et contra hec tria dampna
 conferuntur nobis per hos adventus lof and pes twihs Godd and man, and
 reles of þis thraldam, and leve fort com til oure kyngdam.

60 Primo ergo dico quod Pater misit wyt a selli miht. Quod enim mirabilis
 sive potencius quam facere Deum hominem, et matrem virginem? Similiter
 Filius wiht a semly ryht. Racioⁿa^bilius enim etiam ut Filius Dei fieret
 Filius hominis quam alia persona, ne duos haberemus filios in divinis.

44–45 Censure of excessive finery is a theological commonplace, inspired here perhaps by 1 Tim 2:9–10 or 1 Petr 3:3.

44 cuifhefftis: a hapax legomenon, evidently a plural noun, and possibly meaning “fashionable caps” (perhaps from COIF + HEADS).

45 gaudes: “gewgaws,” “trinkets” (the earliest example of this word given in the *Middle English Dictionary* is fifteenth century).

48 mangnus] sic MS (nasal suspension over the *a*) for “magnus.”

48–49 Pater . . . mittit: the understood object of this sentence appears to be “Christum.” The Father, the Son, and the Holy Spirit send Christ respectively “wit a selli miht,” “wit a semli riht,” and “wyt a seli lyht” (and compare again line 60 below).

50–51 The three comings of Christ became a sermon commonplace; compare, for example, their appearance in Cambridge, Jesus College 13, part vi, fol. 91v (in a sermon for the third Sunday in Advent on the theme “Tu es qui venturus est”).

54 opposita . . . apparent: possibly an Aristotelian epitome. See J. Hamesse, ed., *Les Auctoritates Aristotelis* (Louvain and Paris, 1974), p. 267 (57): “Contraria iuxta se posita magis apparent, sive elucescunt”; this derives from the *Rhetorica* iii.3 (1405a12–13). The proposition appears to have had some currency in contemporary mendicant collections. Compare its use in Cambridge, Trinity College B.1.45, fol. 28r, in a Palm Sunday sermon on the theme “Ecce rex tuus venit tibi mansuetus,” fols. 27v–28v. (This manuscript is better known for its “Atte wrastlinge” sermon, fols. 41v–42r.)

63 ne . . . divinis: possibly a reminiscence of Peter Lombard, 3 *Sent.* 1.1 (see *Magistri Petri Lombardi Sententiae in IV libris distinctae*, ed. Collegium S. Bonaventurae, 3d ed., Spicilegium Bonaventurianum 4–5, 2 vols. in 3 [Grottaferrata, 1971–81], 2:24–26).

Similiter Spiritus Sanctus wyht a sely lyht. Lyht, dico, non ab illuminando,
 65 sed a condescendendo. Quia "Spiritus Sanctus superveniet in te, et virtus
 Altissimi obumbrabit tibi." De quorum mittencium indiviso divino, patet
 in figura Abrahe demonstrata. Recepit enim tres in mensa et tamen
 loquebatur indivisa reverenter: "loquitur ad Dominum meum," et cetera.
 Unde in simbolo Atthanasi, "Ita Dominus Pater, Dominus Filius," et cetera.
 70 Iste ergo Dominus Pater appropriate misit Filium onto mans kynd propter
 rationes predictas. Unde ad Romanos, "cum autem venit plenitudo temporis,"
 et cetera. Nota quare tunc erat plenitudo temporis magis quam prius vel
 post, ex quarto *Sentenciarum*. Et per istum adventum facta est lof and pes
 twyhs God and man. Ista enim persona Christi incarnata est signum federis
 75 quod posuit Dominus cum Noe quando benedixit ei. Cuius tres colores
 sunt tres nature, quod et bis curvatur ad terram et in medio elevatur ad
 celum, quia in ingressu est humiliatus ad carnem, in egressu autem in
 mortem, cuius cum tota conversacio est in celis per iugem Dei contem-
 placionem. Unde de hoc pacis federe in Psalmo, "Benedixisti, Domine,
 80 terram tuam,"⁷¹ ubi⁷² dicitur, "misericordia et veritas," et cetera. Unde et Ysaac
 benedicens filio, qui significat Christum et populum Christianum, in primis
 ait, "Accede et da michi osculum, fili mi." Ergo, karissimi, illam huius
 temporis invocacionem frequencius replicemus, "Veni, Domine, visitare nos
 in pace, ut letemur coram te corde perfecto." Et proseguere de tertia pace,
 85 et de natura perfecti, quia perfectum est cui nichil deest, et cetera.

Secundo, dico quod Dominus Spiritus Sanctus appropriate mittit Filium
 onto mans mind, et hoc wiht a seli lyht. Nisi enim Sancti Spiritus gracia
 corda nostra visitando preveniat et ad nos condescendendo perveniat,

65–66 Lc 1:35.

68 Gen 18:27 and 31.

69 in simbolo Atthanasi: the full clause in the Athanasian Creed is "Ita dominus Pater, dominus Filius, dominus Spiritus Sanctus; et tamen non tres domini, sed unus est dominus" (see J. N. D. Kelly, *The Athanasian Creed* [London, 1964], p. 18, lines 17–18).

71 Gal 4:4.

62–63 ex quarto *Sentenciarum*: the reference is problematic in that 4 *Sent.* does not discuss the three comings; 1 *Sent.* 15.8, however, cites the lemma ("Sed cum venit plenitudo temporis . . .") in the context of a discussion of the two comings—the Incarnation and the coming to the *animae pia*e who recognize Christ (*Magistri Petri Lombardi Sententiae* 1:136).

74 signum federis: an allusion to Gen 9:1 ff.

78 tota . . . celis: an allusion to Phil 3:20.

79–80 Ps 84:2 and 11.

82 Gen 27:26.

83–84 Veni . . . perfecto: an Advent antiphon (after Sarum Use, for Compline on the first Sunday of Advent; see F. Procter and C. Wordsworth, eds., *Breviarium ad Usum Insignis Ecclesiae Sarum*, 3 vols. [Cambridge, 1879–86], 1:xii).

nequaquam corda nostra Dei Filius inhabitat. Et hoc est quod angelus ad
 90 Mariam querentem quomodo Dei Filium nedum carne sed et corde
 conciperet, respondit "Spiritus Sanctus superveniet in te," et sic "quod
 nasceretur ex te Sanctum vocabitur Filius Dei." Quamdiu enim hec gracia
 Spiritus Sancti nobiscum fuerit, totum sanctum, totum in nomine Filii Dei
 factum erit, quia si ingrediens fueris per contemplacionem vel egrediens per
 95 accionem, benedictus eris. Deuteronomium, "Benedictus eris ingrediens et
 benedictus egrediens." Nota signum adventus Spiritus Sancti, scilicet, per
 gratiam.

Et dic per quantam recipi debeat reverenciam. Et pone exemplum de
 beato Francisco, qui ad motus Spiritus Sancti pedem fixit. Per istum
 100 adventum facta est reles of þis thraldam, quia "Benedixisti, Domine, terram
 tuam; avertisti captivitatem Iacob." Unde et Ysaac benedicens Iacob dixit,
 "Esto dominus ffratrum tuorum." Isti ffratres sunt mali spiritus per crea-
 tionem et rationis participacionem, quibus homo ante huius benediccionis
 adventum subiectus, nec eis per Dominum est prelatus. Ergo, karissimi, et
 105 illam huius temporis et cetera invocacionem frequencius replicemus, "Veni,
 Domine, et noli tardere, relaxa facinora plebi tue Israel."

Tercio et ultimo dico quod Dominus Filius appropriate mittet seipsum
 at te werld end, et hoc wiht a semly riht. Quod autem mittet seipsum patet,
 quia indivisa sunt opera trium ad extra. Quod autem appropriate, quia
 110 rationabile est ut iudicet qui redemit. Quod autem wiht a semly scyl, quia
 "Ecce," inquit, "venio cito, et merces mea mecum est dare unicuique
 secundum opera sua." /fol. 108r/

Secundum hunc adventum fiet finalis introductio onto mans kyngdam.
 Unde in figura huius, Axa filia Caleb accepit in benediccionem irriguum
 115 superius et inferius: hoc est, gratiam in presenti et gloriam in futuro. Unde
 et Ysaac benedicens filio "frumento, vino et oleo [eum perpetuo stabilivit],"
 et victus [ei] plenitudinem que in contemplacione stat Patris et Filii et Spiritus
 Sancti repromisit. Quam nobis concedat, et cetera.

91-92 Lc 1:35.

95-96 Deut 28:6.

100-101 Ps 84:2.

102 Gen 27:29.

105-6 Veni . . . Israel: an Advent antiphon (after Sarum Use, for use either during None on the ferias of Advent or for Lauds on the sixth feria of the third week of Advent; see Procter and Wordsworth, *Breviarium* 2:68 and 1:cxxv respectively).

111-12 Apoc 22:12.

114-15 Axa . . . inferius: an allusion either to Jos 15:19 or Jud 1:15.

116 Gen 27:37. However, Vulgate variants that have been published do not feature *perpetuo* (pp° ms) as part of this lemma, and the reading should be regarded as problematic.

THE SERMON'S USE OF ENGLISH AND THE MACARONIC PROBLEM

The sermon is intricately organized and displays allegiance to the highly structured "modern" form of sermon composition in which a theme is announced then systematically divided and developed.¹⁷ The extensive use of English to mark major structural parts (the translation of the opening theme into a four-stress couplet, the threefold rhymed division of an idea suggested by the theme, an elaborate fourfold rhymed *distinctio* on what the "Christi cultus" comprises, to mention only the structural markers that occur in the first part of the sermon before the bidding prayer at lines 46–47) is earlier than anything in the examples collected for discussion by Wenzel in his study of the function of English verse in Latin sermons,¹⁸ and so modifies somewhat the history of the use of verses in sermons that he has there outlined. Moreover, since its use of English at this early date is already particularly elaborate, any idea, based presumably upon an evolutionary model of thinking, that the use of English verses in Latin sermons became steadily more flexible and diverse from about the mid-fourteenth century, would seem to be discountenanced: this sermon is already more advanced in this respect than many that follow it, even if it remains true that there are proportionally far more examples of the extended use of English verses in Latin sermons extant from the later period.¹⁹ If an evolutionary model has any validity, we must suppose from "Benedictus qui venit in nomine Domini" that an extensive introduction of English verses into preaching was taking place earlier still in the thirteenth century. Perhaps this did take place, with the mendicants in the vanguard of it, but substantial evidence has not survived.

¹⁷ Modern sermon form has been discussed in several places; see notably R. H. Rouse and M. A. Rouse, *Preachers, Florilegia and Sermons: Studies on the "Manipulus florum" of Thomas of Ireland*, Studies and Texts 47 (Toronto, 1979), 65–90. The Rouses base their account on actual sermon practice. A survey of the form as advocated by the *artes* is given in J. J. Murphy, *Rhetoric in the Middle Ages: A History of Rhetorical Theory from Saint Augustine to the Renaissance* (Berkeley, 1974), 269–342. H. L. Spencer, "English Vernacular Sunday Preaching in the Late Fourteenth Century and Fifteenth Century, with Illustrative Texts," 2 vols. (D. Phil. thesis, University of Oxford, 1982), 1:189–294, is a useful account of the modern form with particular reference to its use in English vernacular manuscripts.

¹⁸ Wenzel, *Verses in Sermons*, 74–81, illustrates the structural use of English verse in sermons from fourteenth- and fifteenth-century manuscripts. While he is right to observe the introduction of English verse into sermons well before 1300, his examples lead him to describe the verse from this period as "occasional" (94). Verse use in Bodley 26, however, could not be so described.

¹⁹ Wenzel, *Verses in Sermons*, 94, suggests manuscript loss may partly explain this impression, and notes too the upsurge in confidence in the vernacular generally after the mid-fourteenth century.

There is another use of English in the sermon, of a different kind, whose function has also contributed to the speculation and debate noted at the start of this article. English, as we have seen, is used extensively to articulate the structural nodes of "Benedictus qui venit in nomine Domini," and twice it is used to paraphrase a preceding piece of Latin text.²⁰ Invariably on these occasions, the English is versified. But in two cases English appears within sentences of Latin in *prose* (at lines 42–43 and 107–8).²¹ This sort of linguistic switching within the boundary of a single prose sentence unit is in England more familiarly associated with certain manuscripts of the fourteenth and fifteenth centuries, all again later than the date of the hand that writes the sermons in quire 8 of Bodley 26.²² Some of the later specimens of this curious macaronic style are particularly arresting, because the alternation between English and Latin may happen rapidly and repeatedly within the same sentence, as in this reflection on the upwardly mobile on Ezechiel's wheel:

Gape upward ful fast. Quidam ar qwirlid up subito super illam rotam et fiunt de pore gentilmen grete astates and gret lordis.²³

Admittedly, the two cases in "Benedictus qui venit in nomine Domini" are more modest than this, and two cases in the entire sermon, even if we were to increase this number by also including cases where lines initially given in rhymed English are then dislocated for incorporation into Latin prose,²⁴ are far fewer proportionally than those in the rest of the early fifteenth-century sermon from which the sentence above was excerpted. But what is interesting is that they seem to be of exactly the same order.

An obvious question provoked by macaronic usage, whether of English verse in Latin sermons or of English and Latin words alternating within sentences in prose, concerns the language in which the sermons displaying this usage were delivered, where preaching intention is evident or can be inferred. Were congregations really treated to the curious linguistic confections

²⁰ See lines 3–4 and 18–19.

²¹ It should, however, be noted that the syntactical balance and repetition evident in lines 42–43 suggest the lines are close to being verse. (Do they reflect an underlying English verse original, incompletely digested into Latin?)

²² S. Wenzel has proposed a preliminary classification of such sermons in "Macaronic Sermons in Medieval England—Some Observations," *Medieval Sermon Studies*, Symposium Report (1982): 3–4. They belong to his type C category, which "is distinguished . . . by its switching from Latin to English and back within the boundaries of the sentence" (3).

²³ R. M. Haines, "'Our Master Mariner, Our Sovereign Lord': A Contemporary Preacher's View of King Henry V," *Mediaeval Studies* 38 (1976): 85–96; see 92 for this quotation.

²⁴ There are nine examples of this sort (at lines 60, 61–62, 64, 64–65, 70–71, 73–74, 86–87, 107–8, 110).

that some manuscripts, if taken at face value, suggest? Not until well into the second half of the fourteenth century do sermon collections largely in English begin appearing in any significant quantity.²⁵ Of these, collections either demonstrably or probably intended for preaching were doubtless intended for preaching in English.²⁶ It would be perverse to imagine anything else. Before the second half of the fourteenth century, what exceptions there are, though some are major works, are comparatively few: Latin is normally the language in which sermons are recorded.²⁷ There survive from this earlier period, however, several sermons that are known to have been delivered in English but written down in Latin after the event.²⁸ Others—cast like “Benedictus qui venit in nomine Domini” in the “modern” form, admitting English verse renderings of their structural parts—may similarly have belonged to this category, either set down substantially in Latin after the event or perhaps composed in the study before it. It is easy to see why vernacular rhyme should be preserved in such sermons: in the case of a sermon originally delivered mainly in English, English verses are more likely to have resisted the sermon’s subsequent translation into its Latin literary form, since they would demand a modicum of extra effort to render them into Latin verse equivalents; and certainly in the case of a sermon set down beforehand in Latin by someone intending eventually to preach it in English,

²⁵ For example, most of the manuscripts cited in the conspectus of shelfmarks compiled by H. L. Spencer, A. J. Fletcher, and G. Cigman, and published as “Middle English Sermons in Manuscripts: Ubi Sunt?” *Medieval Sermon Studies Newsletter* 3 [4] (1978–79): 5–7, date from this later period. (Though by no means exhaustive and needing revision, this conspectus gives the bulk of the extant Middle English sermon manuscripts.) T. J. Heffernan, “Sermon Literature,” in *Middle English Prose: A Critical Guide to Major Authors and Genres*, ed. A. S. G. Edwards (New Brunswick, New Jersey, 1984), 177–207, speculates on the reasons for the dearth of Middle English sermon manuscripts from just after the Black Death in 1349 (see 186).

²⁶ That is, where a preaching intention, above mere private consultation, seems demonstrable, as it does, for example, in the case of John Mirk’s *Festial* (ed. T. Erbe, EETS, extra series, 96 [London, 1905]).

²⁷ Among the major earlier sermon collections are the *Ormulum* (ed. R. M. White [1852], revised by R. Holt, 2 vols. [Oxford, 1878]), the Lambeth Homilies (ed. R. Morris, *Old English Homilies*, First Series, EETS, o.s., 29 [London, 1868]), and the so-called Kentish sermons (ed. R. Morris, *An Old English Miscellany*, EETS, o.s., 49 [London, 1872]); also the *Northern Homily Cycle. The Expanded Version in MSS Harley 4196 and Cotton Tiberius E vii*, ed. S. Nevanlinna, *Mémoires de la Société Néophilologique de Helsinki* (Helsinki, 1972–84).

²⁸ Some of the sermons of Richard FitzRalph are a prime example. See A. Gwynn, “The Sermon-Diary of Richard FitzRalph, Archbishop of Armagh,” *Proceedings of the Royal Irish Academy* 44 C (1937–38): 1–57. Also, G. Mifsud, “John Sheppey, Bishop of Rochester, as Preacher and Collector of Sermons” (unpublished Oxford B.Litt. thesis, 1953), 39–41, convincingly argues for Sheppey having composed at least one, and probably more, of his sermons in Latin for delivery in English.

such things as rhymed themes and divisions might not be left to be improvised on the spot, whereas the portions in straightforward Latin prose could be more easily translated or paraphrased at the time of delivery.²⁹ Less confident of the dominical precept, "dabitur vobis in illa hora," this much at least would be prepared in advance should the Spirit not move the preacher on the day quite as far as *ex tempore* verse. Verse like this of itself might give grounds for suspecting that "Benedictus qui venit in nomine Domini" too was delivered or intended for delivery mainly in the vernacular.³⁰ (If it was, for some reason English was not found to be the appropriate medium for committing it, no less the later sermons with which it compares, to posterity.³¹) This interpretation might explain the presence of English verse in the sermon, but what is the status of the more curious macaronic style in prose, here incipient but found fully-fledged in sermons only a generation or two later, which alternates English and Latin within a single sentence? This calls for some further consideration, for one recent commentator has suggested that sermons thus recorded may really have been thus preached.³² Necessarily they either were or were not, and even were it possible to determine that they were not, how might we then explain the strange macaronic mixture given to them on parchment?

While these questions may return no decisive answers, it is nevertheless worth expanding the scope of enquiry further than has been customary if any answers are to be ventured at all, and this means in effect by going beyond medieval sermon texts. Thus it may be possible to locate their macaronic style in the context of a wider contemporary phenomenon, to suggest how it may have come about, to come as near as possible to settling the question of the original language of preaching, and to try to offer some explanation of its *raison d'être*.

²⁹ Wenzel, *Preachers, Poets and the Early English Lyric*, 86. There is always a possibility, of course, that English verses became items of *curiositas* through self-conscious introduction into sermons otherwise preached predominantly in Latin.

³⁰ Compare Wenzel, *Verses in Sermons*, 87. The sermon's subject matter also suggests such a conclusion; see further below.

³¹ It has commonly been thought that not until the second half of the fourteenth century, when theological matter in Middle English prose starts appearing in any quantity, did Middle English start to slough the stigma of being a second-class literary language. But the reasons for the preference of Latin to English before this time may be a little more complex: Latin may simply have been found quicker to write, more economical on space on account of its richer repertory of abbreviations, and generally a more familiar written language than English currently was, even to scribes who natively spoke English.

³² R. M. Haines, *Ecclesia Anglicana: Studies in the English Church of the Later Middle Ages* (Toronto, 1989), 204: "A marked feature of the Bodley [649] sermons is their macaronic form—a mixture of Latin and English. It is possible that they were actually delivered in this manner." Henceforth my references to macaronic texts will intend specifically cases of macaronic prose, not merely cases of English verse in an otherwise Latin prose text.

THE MACARONIC STYLE IN ENGLAND

We are fortunate to have surviving the work of another Franciscan, not this time his sermons, though he was an active preacher, but a collection of his letters written between 1456 and 1461. Friar John Brackley, confidant to the Paston family of Norfolk in the mid-fifteenth century, was a man in touch with clerical culture and someone whose prose style, characterized by Norman Davis as exhibiting "a strange mixture of Latin and English,"³³ was capable of the more extreme sort of random macaronic usage which is of especial concern here. Thirteen of his fourteen extant letters were addressed to John Paston I, and the remaining one was addressed to John's brother, William Paston II.³⁴ Both Pastons, Cambridge educated, may be assumed to have had some familiarity with Latin, and thus Brackley's use of it in letters to them probably needed no interpretation. Five were written entirely in Latin, and are therefore not of present interest.³⁵ Of the remaining nine, three are also in Latin so substantially that they too may be set aside.³⁶ This leaves six letters from which to deduce what may have been the reasons behind Brackley's macaronic usage. Whenever he quoted Bible lemmata, he invariably did so in Latin. This use of Latin to report sacred text, so utterly without exception that it looks to have been with him a point of principle, is akin to his tendency to shift from English into Latin whenever his drift took a spiritual turn away from more secular matters. For example, approximately the first half of his letter of 24 October 1460 to John Paston I, in English, is concerned with political consequences arising from the Coventry parliament of 1459, but its second half, containing several Bible lemmata with theological commentary, is entirely in Latin.³⁷ Most of this second half is taken up with Brackley's discussion of the matter of a sermon he preached on the theme "Non credas inimico tuo in eternum" (Eccli 12:10), and of how a bishop—"vtinam non indignus," adds Brackley in a side-swipe—had claimed that these words were not to be found in Scripture; which goes to show, he thinks, that sometimes even a bishop nowadays may be ignorant of what Scripture says.³⁸ After this, the remainder of the letter is a conclusion, comprising a dark hint of things still to be

³³ N. Davis, ed., *The Paston Letters: A Selection in Modern Spelling* (Oxford, 1963), 33 n. 2.

³⁴ See N. Davis, ed., *Paston Letters and Papers of the Fifteenth Century*, 2 vols. (Oxford, 1971–76), vol. 2, nos. 557, 581–83, 605–6, 608–12, 617, 655, and 705.

³⁵ *Ibid.*, nos. 581, 605, 608, 611, and 612.

³⁶ *Ibid.*, nos. 606, 610, and 655.

³⁷ *Ibid.*, no. 617, pp. 221–22.

³⁸ *Ibid.*, no. 617, p. 222, lines 29–49.

said but which “iam non expedit calamo commendare,” a little family news, and pious good wishes, mixed with biblical lemmata.³⁹ Brackley concludes each of his macaronic letters in Latin, a habit he perhaps learned by analogy with Latin epistolary valedictions elsewhere whose terms are likely to have been formulaically familiar.⁴⁰ Equally, the secular material and news intercalated into Brackley’s conclusions and the pieties that they routinely contain are drawn into Latin.⁴¹

Brackley was sometimes inclined to use Latin to point the direction that a conversation was taking, using markers like “Cui ego” or “Et ille” before reporting what “ego” or “ille” actually said.⁴² This usage produces a macaronic style a little like that under discussion, but only in terms of the rapidity of its English/Latin alternation, for unlike the style under discussion it seems more systematic than haphazard. Sometimes, though, Brackley was indeed capable of much less predictable macaronic shifts, where within a sentence prose alternates between languages for no very obvious reason:

And now he seyth he wil labowr and ryde and do hise part, &c. And he wold haf me to help hym, &c., quod non fiet, &c., or ell a man of credens of my maysterys, &c., quod dubito fieri, &c. God bryng zow sone hidyr, &c., for I am weri tyl ze come.⁴³

At times, then, the alternation looks motivated, as again when words registering various kinds of status (“germanus vester,” “iudex”) were introduced into the English sentence,⁴⁴ while at others, the alternation is less readily explicable. These latter cases are the moments when Brackley’s macaronic style is at its most comparable to the apparently random macaronic prose alternation under review here.

The most interesting of Brackley’s letters in respect of macaronic versatility is that sent to William Paston II sometime before Easter 1460. It displays almost all of the varieties of macaronic usage noted above, but an additional feature is the way in which Latin is introduced into the direct speech that Brackley attributes to himself when reporting an exchange that took place in public between him and Justice William Yelverton. The exchange concerns

³⁹ Ibid., lines 54–65; the ending of letter no. 582, p. 185, lines 38–53, is somewhat comparable.

⁴⁰ See Murphy, *Rhetoric in the Middle Ages*, 194–268.

⁴¹ For example, Davis, *Paston Letters and Papers*, vol. 2, no. 582, p. 185, lines 38–53.

⁴² Ibid., no. 583, p. 186, lines 21–22.

⁴³ Ibid., lines 13–16 (in this quotation and in the subsequent quotations I have retained Davis’ expansions but without notice). Both shifts into Latin are precipitated by *quod*-clauses (another instance is in the text cited below as note 51). Why this should be, however, is not clear.

⁴⁴ Ibid., no. 705, p. 333, lines 30 and 52 respectively.

the circumstances surrounding a dispute that had broken out between Yelverton and John Paston I, the latter part of which Brackley had overheard, and Yelverton is moved to remind Brackley that if he is to report the matter, he has a responsibility for getting the facts right:

"For sothe," seyde I, "whan I came in-to the chambre there the fyrst word I hard was this, that ze seyde to my Maystyr J. P., 'Who that evyr seyth so, I sey he lyeth falsly in hise hede,'" &c. "Ya," quod the justise, "ze schuld haf told what mevyd me to sey so to hym"; and I seyde I cowde not tellyn that I not herd, &c. Et judex, "Ze schuld haf examyned the matyr," &c. And I seyde, "Sire, it longyd not to me to examyne the matyr, for I knew wele I schuld not be jvge in the matyr, and alonly to a juge it longyth to seue and stodyen illam Sacre Scripture clausulam whiche holy Job seyde, 'Causam quam nesciebam diligentissime investigabam.'" ⁴⁵

Eventually a prior, unnamed but also evidently privy to the conversation, intervenes with a reproof both to Yelverton and to the absent John Paston I about the propriety of haggling over a dead man's goods, the disposal of which has given rise to their quarrel:

Et ille [Yelverton], "I knowe ze haf a gret hert," &c., "but I ensure zow the lordys a-bove at London arn infoormyd of zow, and they schal delyn wyth zow wele anow." Cui ego, "He or they that hafe infoormyd the lordys wele of me, I am behold to hem. And yf they be opyrwyse infoormyd I schal do as wele as I may; but be myn trowthe I schal not be aferd to sey as I knowe for none lord of this lond, yf I may go saf and come, quod non credo, per deum, propter evidencias multas," &c. Tunc Prior, "Domine, non expedit nec racioni seu vere consciencie congruit quod vos contendatis cum Magistro Paston, vel ipse vobiscum, pro bonis defuncti, que solum sua et non vestra sunt; miror valde," inquit, "cum prioribus temporibus tam magni fuistis amici, et non sic modo, quare valde doleo." Cui judex, "There is no man besy to bryng vs to-gydere," &c. ⁴⁶

What is of interest in these passages is the way Brackley apparently shifts between English and Latin in two different sentences when addressing Yelverton. Moreover, when the prior joins the conversation, which despite the linguistic oscillation of Brackley has hitherto been conducted mainly in English, he speaks entirely in Latin. Are we then to understand, as Brackley's report would seem to imply, that this conversation actually took place with one speaker (Yelverton) speaking in English, another (Brackley) alternating between English and Latin, and a third (the prior) speaking in Latin exclusively? Either this was what really happened or, alternatively,

⁴⁵ Ibid., lines 45–56 (punctuation modified).

⁴⁶ Ibid., p. 334, lines 68–79 (punctuation modified).

so curious a mélange may reflect to some unquantifiable degree other considerations that came into play once Brackley took up the pen and whose nature I will address later.

Whatever the spoken actuality behind this, it is at least clear that interchange between English and Latin on the written page was for Brackley a relatively easy matter. In many instances, a rationale for his macaronic usage seems deducible (broadly, Latin supersedes English for spiritual topics, epistolary formulas, status words, conversation markers, and conclusions, and it is used when Brackley is writing at speed), but there is a small residuum of English/Latin usage whose explanation is less readily forthcoming, where alternation seems more a matter of whim. These cases are interesting, for wherever language choice seems not determined by any evident literary or practical considerations, it would suggest that English and Latin for Brackley shared moments of linguistic coequivalence: he was sufficiently bilingual for his two languages to slip in and out of each other without much forethought.⁴⁷

The writing habits of this Franciscan, a man in touch with clerical culture and a preacher by profession, are also those of someone who kept company with lawyers and their legal dealings, as the passages quoted above indicate. No doubt during his career he would have made his acquaintance too with the prose of the courts. If we turn to the writing that certain legal notaries of his day were producing, an interesting point of comparison emerges: some of it is cast in precisely the random macaronic mould of chief concern here. To draw attention to the comparison is not to suggest lines of influence and to imply that macaronic legal prose provided Brackley's model; rather, it is to introduce alongside the sermons and the letters another province

⁴⁷ It should come as no surprise that similarities are to be found in the usage of other letter writers, and between English and French (examples of Latin/French and Latin/French/English alternations will be cited below). Richard Kingston, the dean of Windsor, wrote to Henry IV in 1403 with news that rebels from the Welsh Marches were marauding in Herefordshire. His letter began in French, but towards the end lapsed into English for several lines, and finally concluded as follows: "Jeo prie a la Benoit Trinite que vous otroie bone vie ove tresentier sauntee a treslonge durre, and sende zowe sone to ows in help and prosperitee. . . . And for salvation of zoure Schire and Marches al aboute, treste ze nought to no Leutenant. Escript a Hereford, en tresgraunte haste, a trois de la clocke apres noone, le tierce jour de Septembre. Vostre humble creatoure et continuelle oratour, Richard Kyngeston, Deane de Wyndesore" (ed. F. C. Hingeston, *Royal and Historical Letters During the Reign of Henry the Fourth. I: A.D. 1399-1404*, Rolls Series 18.1 [London, 1860], 1:158-59). The first sentence is a good illustration of random macaronic switching between English and French. H. Suggett, "The Use of French in England in the Later Middle Ages," *Transactions of the Royal Historical Society*, 4th ser., 28 (1946): 61-83, interprets the macaronic style as betraying an imperfect grasp of French, but diglossia seems a more likely explanation.

of texts in which macaronic writing was manifesting itself, and hence to widen further the contexts in which writing of this kind had also established itself as acceptable written practice.

Although in the case of macaronic legal prose mixing of Latin and English is much less frequent than mixing of Latin and French, macaronic mixtures can be quite as comparable in terms of randomness. No attempt was made to establish English officially as the language of the courts until after the passing of an Act of 1362 which required the substitution of "la lange du pais" for "la lange francaise, qest trope desconue," but even after 1362 the Act seems to have had little widespread effect.⁴⁸ Consequently, the Latin, French, and English usage of the notary who recorded the case of *Alblaster v. Bendisch* in Trinity Term, 1470, is very much a late medieval phenomenon; such trilingual alternation as his would be far less likely in the thirteenth or early fourteenth century, when any extensive macaronic usage was normally limited to Latin and French.⁴⁹ By the fifteenth century, this Latin and French tradition of macaronic legal prose had grown sturdy, as this excerpt—a discussion of some niceties of marriage law taken from a Year Book of 7 Henry VI—demonstrates:

June: "La cause del fesance del lestatute fuit en auantage des heires maries deins age, et pur ii causes: vn que le roy auera le garde de corps, pour ceo que il serra adonques en le election le heire, sil voet ipsum vel ipsam habere, cui, et cetera, ou celui que le roy offera: et mesque le roy granta cel election a luy, il ne poet estre entendu, que par cel benefice done al heire, le roy serra exclude de son duite, scilicet, le forfeiture del mariage, que nen pas peyne, eins vn veray duite." Ad alium diem Huls baccalaureus vtriusque iuris argua moult en latin et dit quod "consensus matrimonii tribus modis cognoscitur, scilicet, inspectione corporis, vt per pubertatem, id est pilositatem, per cursum etatis, scilicet, xiiii annorum in viro, in sexu femineo xii, et per carnis copulationem. Et modis presuppositis est consensus in heredibus notabiliter approbatur. Et a ceo que mon maister June dit, que le seignior fuit cause del fesance del estatute, . . . a ceo moy semble que par cel parole *eligat* tout

⁴⁸ F. W. Maitland, ed., *Year Books of Edward II: Vol. 1. 1 and 2 Edward II, A.D. 1307-1309*, The Publications of the Selden Society, vol. 17 (London, 1903), pp. xxxiv-xxxv.

⁴⁹ N. Neilson, ed., *Year Books of Edward IV: 10 Edward IV and 49 Henry VI, A.D. 1470*, The Publications of the Selden Society, vol. 47 (London, 1931), 96: "En dette sur obligacion porte par Jamez Alblaster enuers T. Bendisch le defendaunt dit qe loblacion est enclose sur tiel condicion et in hec verba, setassauer: That iff the said Thomas B. sufficiently proue that itt was the wille off John Bendisch that the said James Alblaster suld mak an estat to the said T. B. and J. C. off certain lands and tenementz en D. etc. and that a bille concernyng the said wille be signyd with hys aune hande and sent to the said Jamez A. etc. and that thies condicion be performyd within xii moneth nex after the making off the obligacion qe adunqe loblacion soit voide, et dit qe le dit J. B. a D. auant dit fist sa volunte setassauer qe lez ditz Jamez enfeoffe lez ditz T. B. et J. C. . . ."

est extient, quia electio est sine compulsione, vna res ab alia libera seperatio.
Et sil paiera le value, cel election nest pas sine compulsione, nec est libera. . . ."⁵⁰

Although passages like this would have been rare in the earlier period, where French predominates, even there a certain macaronic tendency that is more fortuitous than predictable may be discerned.⁵¹ Evidently, Latin came as quickly to mind as French for certain legal scribes.⁵² All this supports the case that by the fifteenth century, macaronic prose was well entrenched within the field of certain sorts of legal text too. Consequently, the frequent and random macaronic variation that some of the later sermon manuscripts display should again appear less curious than it has; it was certainly not an isolated textual phenomenon.

Indeed, for reasons we may now consider, it would be the more surprising if it were confined exclusively to some single prose genre rather than featuring more widely, as has been seen to be the case, in contiguous fields of text. The bilingual competence which macaronic usage of the random kind may imply, whether manifested in sermons, letters, or legal records, is perhaps to be traced to a common origin, and as such, its appearance in a wide variety of texts is only what might be expected.

The formation of any English-speaking child in Latin grammar would necessarily have required the child being taught through an English medium, at least in the earliest stages of instruction. It was not until 1346, when the Oxford grammarian John of Cornwall issued his *Speculum gramaticale*, that English was officially recognized for the first time after the Conquest as an appropriate means for instructing in Latin.⁵³ Yet as early as 1311, in the *Memoriale iuniorum* of Thomas of Hanney, there are signs that the vernacular was not being neglected for the purposes of teaching Latin,

⁵⁰ Year Book, Michaelmas Term, 7 Henry VI, fol. xi verso (published [London, n.d.] by Wyllyam Myddylton). Here it might be noted that some of the macaronic alternation occurs where there is little question of some underlying original act of speech. Hence it appears essentially literary (as at lines 7–8, for example). (I have silently emended the printed text at line 11, which reads “notabilter” for “notabiliter,” and at line 14, where sense demands “sine” before “compulsione.”)

⁵¹ As sentences like “Et secundum quosdam la femme avera heide del heir” (in the case of Hemegrave v. Bernake, Trinity Term, 1 Edward II [1308]) or “Et bota avaunt la chartre quod dictum donum testatur” (in the case of London v. Tynten, 2 Edward II [1308–9]) might suggest (see Maitland, *Year Books*, 38 and 148 respectively).

⁵² Of course, it is conceivable that in some scribes knowledge of French and Latin may not have been absolutely coextensive, so that lapses from the former into the latter, or sometimes vice-versa, might naturally occur in consequence.

⁵³ For a short recent history, see C. R. Bland, *The Teaching of Grammar in Late Medieval England: An Edition, with Commentary, of Oxford, Lincoln College MS Lat. 130*, *Medieval Texts and Studies* 6 (East Lansing, Mich., 1991).

though here the vernacular used was French.⁵⁴ It is, in fact, unimaginable that English was never used at any time before 1300 in schools as an access to Latin, even if some fifty years would elapse before John of Cornwall's overt acknowledgement that English was a convenient teaching medium: after all, since medieval children were not normally born, as far as we are aware, into Latin-speaking households, or even into ones fluently bilingual in English and Latin, we must suppose that their access to Latin came subsequently and via English.⁵⁵ By the fifteenth century, some Latin grammars in the Oxford tradition make it abundantly clear where the use of English in teaching circumstances might potentially end, for they reproduce the macaronic style under review here so markedly that it may be a matter of doubt about what language classroom instruction took place in. The following excerpt is from a unique treatise on English grammar, contained in Cambridge, Trinity College O.5.4, fols. 4r–7v. Its text is composite, incorporating an English adaptation of Donatus's *Ars minor*:

In how many maners schal the nominatyf case be gouernyd of a verbe? In on, by strengthe of person, as Ego sum homo: ego is gouernyd of sum ex vi persone. Quare? 'Quia' verbum personale est et regit nominatiuum casum ei supponentem personam. Homo regitur in the same manere of sum for that is a certeyne reule of P.H., in "Absoluta" . . .⁵⁶

It is worth pausing to consider what is going on in this excerpt. Is the densely macaronic style a faithful transcription, in fact, of a classroom patois? Here there would seem more grounds for suspecting that indeed it might be, because the intermittent replacement in speech of English words and phrases by ones in the language that the English was aiming to inculcate might have usefully reinforced the pupils' Latinity.⁵⁷ Yet the possibility here of a faithful transcription of an actual macaronic way of speaking need not be denied as we also acknowledge the necessarily *literary* status of this

⁵⁴ D. Thomson, *A Descriptive Catalogue of Middle English Grammatical Texts* (New York and London, 1979), 37.

⁵⁵ See now the evidence assembled by T. Hunt, *Teaching and Learning Latin in Thirteenth-Century England*, 3 vols. (Cambridge, 1991). He concludes, "In the medieval schoolroom, as in medieval England throughout the thirteenth century, Latin, French and English were complementary . . ." (1:434). See also J. J. Murphy, "The Teaching of Latin as a Second Language in the 12th Century," *Historiographia Linguistica* 7 (1980): 159–75.

⁵⁶ The text is printed in S. B. Meech, "An Early Treatise in English Concerning Latin Grammar," *Essays and Studies in English and Comparative Literature, University of Michigan Publications, Language and Literature* 13 (1935): 81–125 (see 121 for the excerpt quoted here, from fol. 7r of the manuscript). For a careful description of the text and manuscript, see Thomson, *Descriptive Catalogue*, 158–68.

⁵⁷ Thomson, *Descriptive Catalogue*, 72, reminds us that "classroom routine, despite these English texts, would still often have been conducted in basic Latin."

transcription, just as we did with the legal passages cited earlier: by the fifteenth century there is nothing amiss, to put it simply, in *writing* sentences in prose that switch internally between Latin and English, even if this tends only to occur in certain specialized contexts.⁵⁸ Within the methods adopted for teaching Latin grammar to children may lie an important clue, then, to understanding how the prompt commerce between English and Latin could have arisen, whether in the spoken or the written language. Moreover, this explanation would seem endorsed by the findings of modern linguistics: as Uriel Weinreich has observed, abnormal proneness to bilingual switching “has been attributed to persons who, in early childhood, were addressed by the same familiar interlocutors indiscriminately in both languages.”⁵⁹ The grammar text quoted above might be a reflex of just such a situation. But whatever its reality in speech within the classroom, its existence nevertheless as a written fact demonstrates that macaronic bilingualism, if such it was, was equally comfortable in manifesting itself as a written prose *mischsprache*. The process, therefore, is circular: though there may have been forms of speech in which English and Latin alternated, we now identify them perforce through written texts, and this in turn means that such texts, whether or not we are right in identifying behind them actual spoken usage, were themselves acceptable phenomena.

Some support for this conclusion is found in texts that neither belong to any very obvious genre nor function as texts to which any very obvious spoken referent can be imputed. So far, cases of random macaronic prose, in addition to the sermons, have been illustrated from epistolary, legal, and grammatical texts, all of which belong to genres that are formally definable and which, however indirectly, may be thought to be predicated upon some spoken referent (pulpit delivery, reading aloud by a letter bearer or messenger, forensic pleading, or instruction in the classroom). In cases less evidently definable and whose relation to some speech event is also at best obscure, there is harder evidence for the acceptability of macaronic prose purely as a written phenomenon in its own right. The marginal scribbles and jottings that feature in Shrewsbury School ms 13 seem to be a case in point. This manuscript, a fifteenth-century collection of short Latin homilies on the gospels, contains notes on its earlier folios which include the following: “mulier mersa cum nauis and hokis ser(c)he downe þe water

⁵⁸ As well as from the sermons, so far I have illustrated cases of random macaronic prose from epistolary, legal, and grammatical texts. All these constitute categories that are formally definable, and which, however indirectly, may be thought to posit some spoken referent (see further below).

⁵⁹ U. Weinreich, *Languages in Contact: Findings and Problems*, Publications of the Linguistic Circle of New York 1 (New York, 1953), 74.

sponsus dixit non [ita] sed vp þe strem quia semper contrarius fuit" (fol. iv); "schort mas and longg dener displicit deo" (fol. vi verso). The random macaronic prose alternation shown here is precisely of the sort under review, though this time it surfaces in jottings having the character of unsystematic, personal memoranda.⁶⁰

But, to reintroduce now the earlier specific question, what may have been the language of delivery of sermons written down in macaronic form? An answer has already been emerging, but it must be prefaced by a few further considerations. If macaronic speech of the kind that has been posited may have existed in reality, it was certainly a speech variety that specialized, and therefore limited, sociolinguistic contexts had engendered; to that extent it may have sounded unusual, perhaps even distinctly reminiscent of those contexts, whenever heard outside them. In fact, there are good grounds for believing that sometimes macaronic speech of this kind *was* actually heard. Some of the macaronic usage of *Piers Plowman*, for example, compares with that under investigation inasmuch as certain Latin locutions, the reason for whose selection is not always readily explicable, are tailored with morphological precision into sentences whose lexical and syntactical fabric is otherwise English. On any occasion when *Piers Plowman* may have been delivered aloud, such usage would have been heard and, as I have suggested, it may have sounded reminiscent of an actual spoken register, in this case that of clerkly authority:⁶¹ interestingly, those whose speech in *Piers Plowman* is macaronic—and most of its examples occur in direct speech that the narrator is reporting—are either authority figures or figures who, arguably, are laying claim to authority.⁶² A century later, the preacher

⁶⁰ Other cases of this kind may come to light as the *Index of Middle English Prose* is completed. In its two most recent volumes, compare the macaronic *Modus tenendi curiam baronum cum visu francplegii* in Oxford, Trinity College 30, and the macaronic version of George Ripley's *Accuratationes et practica raymundinae* in Oxford, Bodleian Library Ashmole 759 (respectively in S. J. Ogilvie-Thomson, ed., *The Index of Middle English Prose Handlist VIII: A Handlist of Manuscripts Containing Middle English Prose in Oxford College Libraries* [Cambridge, 1991], 132, and L. M. Eldredge, ed., *The Index of Middle English Prose Handlist IX: A Handlist of Manuscripts Containing Middle English Prose in the Ashmole Collection, Bodleian Library, Oxford* [Cambridge, 1992], 111).

⁶¹ Even mental reading posits a spoken voice.

⁶² The following tabulation of characters in *Piers Plowman* who speak macaronically is based solely on investigation of the B text (William Langland, *The Vision of Piers Plowman*, ed. A. V. C. Schmidt [London, 1978]). The number of instances for each character is indicated in parentheses. It includes only macaronic usage in direct speech. Latin not worked into the syntax of sentences otherwise in English has been excluded (this mostly covers self-contained and explicit quotations, many of which are from the Vulgate). Also excluded are the more familiar Latin tags (e.g., "ergo," "contra," and "in extremis"): Holy Church (4); Theology (1); Civil Law (1); Reason (1); Hunger (3); Wit (2); Dame Study (1); Scripture (1); Covetousness of Eyes (1); Lewtee (1); Scripture (2); Trajan (3); Imaginatif (1); Patience (8); Conscience (4); Anima (10); Samaritan (3); Faith (2); Peace (2); Book (1); Christ (1); Curate (2); Narrator (16).

Mercy in the moral play *Mankind* not only is capable of the fulsome aureations that provoke one of the vices to dismiss him as a body stuffed "full of Englysch Laten,"⁶³ but he also speaks macaronically. For example, "My predylecte son, where be ye? Mankynde, vbi es?" is a snatch of Mercy's dialogue that another vice mockingly echoes;⁶⁴ and in the case of a play, of course, there can be no doubt that all such discourse is intended eventually to be spoken aloud for an audience to hear. Nor does the phenomenon stop on the eve of the Reformation. When a century later the pedants who populate several of the scenes of *Love's Labour's Lost* parade in macaronic rhetorical colours, their author was parodying a register whose parentage the evidence suggests may be sought in a substantially earlier age. Shakespeare may not merely have been glancing at nonce habits of speech that had followed in the wake of newer Renaissance enthusiasms, for his pedants, it will be recalled, were schoolmaster and priest,⁶⁵ the descendants of the John of Cornwalls and the Friar Brackleys of the later Middle Ages.

Yet it must be understood that these examples of macaronic speech, if indeed reminiscent of particular provinces of social usage, define a *strategic spoken register*, for there remains a vast difference between the quantity of macaronic usage in texts like these and that of some of the macaronic sermons that start appearing a generation or two after "Benedictus qui venit in nomine Domini." The much greater macaronic frequency and randomness of these sermons constitute a qualitative difference: frequency conversely diminishes what more sparing usage bestows, effacing the very thing from which a strategic spoken register would derive its effectiveness. Ultimately in these cases, any spoken rhetorical caché is lost. (Chaucer's Pardoner, it will be recalled, was careful to use only a sprinkling of Latin with which to "saffron" his preaching.⁶⁶) Just as significantly, we should understand that a speech variety which is randomly and frequently macaronic would confound itself as meaningless if spoken to monolinguals; hence sermons intended for monolingual audiences but written in a style like this return us primarily to considerations of the sociolinguistics of *writing*. Perhaps what is telling in such sermons, then, is not so much a matter of what is recorded in Latin and what in English, since that—as we have seen—is partly arbitrary anyway, but the fact that code mixing, to put it in linguistic terms, has occurred at all.

⁶³ M. Eccles, ed., *The Macro Plays*, EETS 262 (Oxford, 1969), p. 158, line 124.

⁶⁴ *Ibid.*, p. 179, line 771 (and line 774).

⁶⁵ R. David, ed., *Love's Labour's Lost*, 5th ed. (London, 1956).

⁶⁶ Even if the imputation may also be that he knew little Latin in the first place. See L. D. Benson, ed., *The Riverside Chaucer*, 3d ed. (Boston, 1987), p. 194, lines 344–46.

As is well known, Latin was preeminently the language of written clerical discourse in this period. The man who wrote down his sermon to an English-speaking lay audience, however, was recording something either actually preached or intended for preaching largely in English, and thus the vernacular was never far from his mind as he wrote. In the act of writing, his English sermon was now also being conceived as a text for reading, either for him or for other *litterati* to consult. Therefore, once his words entered the domain of writing, a second audience came within view.⁶⁷ This envisaging of two audiences simultaneously, a situation which required the sermon author to be linguistically bifocal, as it were, might well encourage his disposition towards macaronic prose, a disposition fostered in his earliest years of Latin schooling and later endorsed by the appearance of macaronic practice in other varieties of written text.⁶⁸ But there is an additional possibility. The very fact of bilingual competence displayed by the sermon author's code mixing could impress clerical readers of his text—the only people likely to read it, after all—as a gesture of cultural solidarity, and this is precisely the sort of function that some modern studies have found code mixing to carry.⁶⁹ And lest the importance of signalling cultural solidarity linguistically be overlooked, the following conversation between two scholars, taken from an early Tudor *vulgaria*, should help to recall it:

“Gode spede, praty childe!” “And youe also.” “I know that ye have lurnede youre grammer, but wher, I pray youe?” “By my faith, sum at wynchester, sum in other places.” “And I am an Oxforde man. Woll youe we shall assay how we cann talke in latyn?” “Yee, for gode, ryght fayne!”⁷⁰

Winchester and Oxford, centres well known for the teaching of Latin grammar, are the common coin that both exchange in the preliminaries to establishing their mutual social identity. Once it is established, the invitation to celebrate this identity by switching the conversation into Latin, an invitation enthusiastically welcomed, could not be plainer.

In view of all this, the nature of the actual or projected audience of the macaronic sermon (just as much as that of a sermon preserved entirely

⁶⁷ He was himself part of that second audience, even if he originally wrote his manuscript solely for his private consultation.

⁶⁸ P. C. Erb, “Vernacular Material for Preaching in MS Cambridge University Library li. III. 8,” *Mediaeval Studies* 33 (1971): 63–84 at 66, appropriately suggests that as the preacher composed his sermon in Latin, “intending his words for an English audience, [he] continually had it [English] in mind and entered vernacular phrases as they came to him.”

⁶⁹ R. Wardhaugh, *An Introduction to Sociolinguistics* (Oxford, 1986), 104. The code mixing discussed here is found in speech, to be sure, but both languages being spoken are mutually intelligible to addresser and addressee.

⁷⁰ W. Nelson, *A Fifteenth Century School Book from a Manuscript in the British Museum (MS. Arundel 249)* (Oxford, 1956), 23.

in Latin), wherever it can be determined, should help to resolve the question one way or another: either the sermon had been—or would be—delivered predominantly in English or, if preached to clerics, perhaps predominantly in Latin. The common-sense approach advocated by Lecoy de la Marche over a hundred years ago remains intact.⁷¹ Of course, short of an unlikely discovery, some medieval policy statement on macaronic usage in sermons, probability is as far as we can come to deciding the matter for certain. In the case of “Benedictus qui venit in nomine Domini,” the audience intended seems to have been secular, and therefore probably not fluently conversant with Latin.⁷² Again for this reason, “Benedictus qui venit in nomine Domini” seems likely to have been preached mainly in English.

When random macaronic prose alternation is infrequent, as here, we may in some measure be facing a use of English still underconfident before the overpowering prestige of Latin, and also perhaps underconfident in the most basic sense that a scribe, happily *litteratus* in Latin, may have been less happily literate in English; even though a fluent native speaker, he may have been more accustomed to writing in Latin than in his mother tongue.⁷³ When random macaronic prose alternation is frequent, as in the later sermons, then, conversely, that confidence may have increased, and also any inhibiting sense of Latin’s absolute appropriateness may have decreased correspondingly. But frequent or infrequent, arbitrary macaronic usage in sermons should be suspected of testifying both to a *written* version of the phenomenon of code mixing (which, if for anyone’s benefit, was for that of a clerical coterie) and to the linguistic amphibiousness of the sermon author (or of some later copyist of his work), rather than to any actual mode of sermon delivery. Each text must be judged individually, of course, but macaronic sermon prose of this kind seems *prima facie* a reflex of a

⁷¹ A. Lecoy de la Marche, *La Chaire française au moyen âge spécialement au XIII^e siècle d’après les manuscrits contemporains*, 2d ed. (Paris, 1886), 257: “Et quelle utilité eût-on vue à lui faire comprendre quelques bribes informes de sermon, quelques paroles décousues, sans suite, tandis que le reste du discours aurait été pour son intelligence une énigme, pour son oreille un vain son?” (Thus he characterizes what the effect would be of preaching a sermon on Mary Magdalene in the macaronic French and Latin in which it has been preserved before the women for whom it was intended.) L. J. Bataillon, “Approaches to the Study of Medieval Sermons,” *Leeds Studies in English*, n.s., 11 (1980): 19–35, endorses his view that “normally all sermons to the laity were preached in the vernacular” (23).

⁷² At the very least, for the author of this sermon to have sought, in front of an audience of clerics, to encourage the exchange of high fashion, tonsorial extravagance, makeup, and the trinkets of love-making for such chaster fare as “huselyng at Goddes borde and herkening of Goddes worde,” would have seemed strangely inappropriate in the circumstances and an unnecessary preaching to the converted.

⁷³ And see the reasons given in note 31 above. Wenzel, *Verses in Sermons*, 94, identifies a possible “scribal uneasiness” about the writing of English in the earlier period.

written—before a spoken—practice (especially whenever there is reason to suspect that the sermon's audience, unlike the sermon's readership, was monolingual).

Arbitrary macaronic usage in the thirteenth-century "Benedictus qui venit in nomine Domini" sermon is tentative; there is no disputing that. By the late Middle Ages and among certain sermon writers, such usage was endemic. This was the case not only in sermons written in England but in some Continental ones as well,⁷⁴ and here too it has sometimes been maintained that congregations simply took everything in as written, that extant texts may be more or less accurate transcripts of original spoken events. For medieval England, at least, the present study finds that assumption unwarrantable. The usage shown in "Benedictus qui venit in nomine Domini" should not be regarded as an early moment in a particular sort of sermon genre, for comparable usage, as we have seen, was not unique to sermons. Even less should it be regarded as what a congregation actually heard.

But I also suggest that it need not merely be viewed as an early example of how—especially in the peculiar circumstance of sermons—the force of the distinction between the learned language of written record and the probable language of delivery was occasionally liable to break down. Those occasional "breakdowns" might equally be construed as significant markers of clericalism, as evidence of status destined for the eyes of the *litterati*, rather than as lapses in the hegemony of Latin. Viewed more broadly than

⁷⁴ For example, B. Migliorini, *The Italian Language*, abridged and recast by T. Gwynfor Griffith (London, 1966), 164, points out that the most curious examples of macaronic mixture are to be found in sermons, and gives an example (164–65) from a fifteenth-century Lenten sermon of Valeriano da Soncio: "Scis quod facit vulpes quando abstulit galinam illi pauperculae feminae? La se ne va in lo boschetto e se mette in la herba fresca e volta le gambe al celo e sta a solazar cum le mosche. Sic faciunt isti prophete, questi gabadei, questi hypocritoni, sangioni dal collo torto, quando habent plenum corpus de galini, caponi, fasani, pernice, qualie e de boni lonzi de vitello e qualche fidegeti per aguzar lo appetito, e lo capo de malvasia, vernaza, vino greco, tribiani e moscatelli cum qualche prosuto, salziza, cerveladi, mortadelli, beroldi o vero cagasangui a la bresana per bere melio. Non vedesti mai, madre mia, li meliori propheti." ("Scis quod facit vulpes quando abstulit galinam illi pauperculae feminae? He goes away into the copse and sits down in the cool grass and turns the [her?] legs to the sky and besports himself with [like?] the flies. Sic faciunt isti prophete, these tricksters, these old hypocrites and creeping Jesuses when habent plenum corpus of hens, capons, pheasants, partridges, quails and good cheeks of veal and some 'fidegeti' to fill their bellies and turn their heads with wines from Malvasia, vernaza wine, Greek wine, trebbiano and muscatel wines, along with hams, sausages, saveloys, mortadellas, pigs' trotters or real black pudding from Brescia to work up a thirst. Never have you seen, madre mia, better prophets.") I am grateful to Dr. George Talbot for help with this passage. For the reasons given in this article, Migliorini's statement that "the frequency of texts of this kind must lead us to the conclusion that the sermons were actually delivered in this mixture of two languages" (165) may not be secure.

this, perhaps macaronic sermon texts may have something to reveal about the history of the rivalry between Latin and English, and about the substantial emancipation and emergence of the latter in writing which philologists normally associate with the second half of the fourteenth century. In the macaronic sermons, English is being allowed to contest Latin by invading the space that Latin was usually privileged to occupy. A cultural legitimacy is thereby being displaced into English. Yet equally, English is not allowed a complete usurpation, for it in turn continues to be contested by Latin. By the fifteenth century, we find texts alternating extensively between the two languages and with an unpredictability that seems founded on a linguistic self-confidence in both; both approach a sort of symbiosis in which cultural legitimacy may be all the more evenly distributed. It was doubtless the prestige of English which had most to gain from this relationship, but in the macaronic distribution of legitimacy, both languages were finally protected and affirmed. It may be that the ready macaronic interplay attested in the fifteenth century, something seen only in fledgling form in "Benedictus qui venit in nomine Domini," is a barometer of a culture in which the anxiety implicit in the vernacular's earlier challenges to the relative exclusiveness of Latin had now been substantially overcome.

But whichever way we choose to look at the macaronic sermons, texts like these can offer no real accommodation to anyone who, persuaded by the jeremiads of medieval Church reformers, may be tempted to regard them as signs of clerical Latinity in decay. An effective case for that would be better served by other evidence. On the contrary, the author of "Benedictus qui venit in nomine Domini," and even more conspicuously the authors of the later sermons in the randomly macaronic vein,⁷⁵ may have been demonstrating how well able they were to take both languages in their stride.⁷⁶

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⁷⁵ Sermons featuring randomly macaronic prose within a single sentence unit may be found, for example, in the following manuscripts: Cambridge, University Library li.3.8; Hereford, Cathedral Library O.III.5; London, Lambeth Palace Library 352; Oxford, Balliol College 149; Oxford, Bodleian Library Laud Misc. 706, Bodley 649, and Lat. th. d. 1; Oxford, Merton College 248; and Oxford, New College 92.

⁷⁶ Indeed it is now generally thought that modern manifestations of code switching imply high levels of competence in both languages used. See S. Poplack, "Sometimes I'll start a sentence in Spanish y termino in español: Toward a Typology of Code-Switching," *Linguistics* 18 (1980): 581-618; also, D. Sankoff and S. Poplack, "A Formal Grammar for Code-Switching," *Papers in Linguistics: International Journal of Human Communication* 14 (1981): 3-45.

HUGH PRIMAS'S BILINGUAL POEM 16*

C. J. McDonough

THE contents and form of the bilingual poem attributed to Hugh Primas and discovered by Wilhelm Meyer in 1906 in an Oxford manuscript, Bodleian Library Rawl. G. 109, deserve closer scrutiny than they have received from students of medieval history and French literature.¹ It is a document of socio-linguistic and historical interest that provides a contemporary and highly personal commentary on the social, geographical, and ecclesiastical background of unnamed but identifiable bishops of Beauvais and Sens in the middle of the twelfth century, and it offers insight into the often contentious world of politics within cathedral chapters engaged in the electoral process. Its structure emerges from the poet's stance that monks were essentially corrupt and that secular clerics possessed the virtues which other contemporary writers assigned to the cloister. Despite the evident *parti pris* of the narrator, it adds to the store of knowledge about the general profile of medieval French bishops that has been compiled by the researches of William M. Newman, Marcel Pacaut and Constance Bouchard.²

* I would like to thank Professor Lawrence Kerslake, Department of French, University of Toronto, and the two anonymous readers of *Mediaeval Studies* for constructive criticisms of an earlier draft of this paper.

¹ Wilhelm Meyer, *Die Oxforder Gedichte des Primas (des Magisters Hugo von Orleans)* (Darmstadt, 1970), 15–26 (reprint of *Nachrichten von der königlichen Gesellschaft der Wissenschaften zu Göttingen, Philologisch-historische Klasse* [1907], 89–100); C. J. McDonough, *The Oxford Poems of Hugh Primas and the Arundel Lyrics*, Toronto Medieval Latin Texts (Toronto, 1984), 52–60 (references are to this edition). Olga Dobiache-Rojdesvensky, *Les poésies des goliards* (Paris, 1931), 114–17, presents a text and translation of vv. 22–58; Karl Langosch, *Hymnen und Vagantenlieder: Lateinische Lyrik des Mittelalters mit deutschen Versen* (Basel, 1954), 160–69, offers a rhymed German translation of the poem; see also Charles Witke, *Latin Satire: The Structure of Persuasion* (Leiden, 1970), 214–24.

² William Mendel Newman, *Les seigneurs de Nesle en Picardie (XII^e–XIII^e siècle): Leur chartes et leur histoire. Étude sur la noblesse régionale ecclésiastique et laïque*, 2 vols. (Philadelphia, 1971); Marcel Pacaut, *Louis VII et les élections épiscopales dans le royaume de France* (Paris, 1957); Constance B. Bouchard, "The Geographical, Social and Ecclesiastical Origins of the Bishops of Auxerre and Sens in the Central Middle Ages," *Church History* 46 (1977): 277–95 at 283; eadem, *Spirituality and Administration: The Role of the Bishop in Twelfth-Century Auxerre*, *Speculum Anniversary Monographs* 5 (Cambridge, Mass., 1979); eadem, *Sword, Miter, and Cloister: Nobility and the Church in Burgundy 980–1198* (Ithaca, N. Y., 1987).

Its form is equally interesting. Among 156 lines of Latin are interwoven forty-five lines partly or entirely in Old French, with no regular pattern or alternation and copied out in the manuscript in exactly the same way as the Latin. The mixture of Latin and vernacular languages in medieval Latin poetry is a phenomenon of some importance,³ but most scholars have been content to reproduce these texts with little interpretive comment. Hugh Primas's decision to give voice to his own language in a poem addressed to the ecclesiastical establishment represents a significant contribution to the phenomenon in northern France. Until now, the poem has attracted some

³ For observations on bilingualism in classical Latin poetry, see Nicholas Horsfall, "Doctus sermones utriusque linguae," *Echos du monde classique/Classical News and Views* 23 (1979): 79–95; Ausonius, *Epist.* 12 (ed. C. Schenkl, MGH AA 5.2 [Berlin, 1883], 170–72; cf. *Epist.* 14, pp. 172–73) is an early example of macaronic verse in Greek and Latin, which survived into Carolingian poetry. See also Paul Zumthor, *Langue et techniques poétiques à l'époque romane (XI^e–XIII^e siècles)* (Paris, 1963), 82–84, who identifies certain types of vernacular intercalations and their effects. For a bilingual distich attributed to Hugh Primas, see Paul Meyer, "Notice du MS. Bodley 57," *Romania* 35 (1906): 577 n. 2. Suzanne Fleischman, "Philology, Linguistics, and the Discourse of the Medieval Text," *Speculum* 65 (1990): 19–37, views the relationship between Latin and Old French in the later Middle Ages as one of "complementary distribution" (24 n. 16). E. Archibald, "Tradition and Innovation in the Macaronic Poetry of Dunbar and Skelton," *Modern Language Quarterly* 53 (1992): 126–49, distinguishes between the two senses of the term "macaronic," before evaluating the comparative status of Latin and the vernaculars in the later Middle Ages. Olive Sayce, *Plurilingualism in the Carmina Burana: A Study of the Linguistic and Literary Influences on the Codex* (Göppingen, 1992), 143–66, discusses and categorizes different aspects of linguistic mixtures in the *Carmina Burana*. See also Carol J. Harvey, "Macaronic Techniques in Anglo-Norman Verse," *L'esprit créateur* 18 (1978): 70–81. On the late tenth-century bilingual *aube*, "Phoebe claro nondum orto iubare," see Ernest Nègre, "Un refrain en langue d'oc," *Revue de linguistique romane* 55 (1991): 487–96. For a late eleventh-century Old French love poem with elements of Provencal and Latin, see Bernhard Bischoff, *Anecdota novissima: Texte des vierten bis sechzehnten Jahrhunderts* (Stuttgart, 1984), 266–68. R. W. Hunt, *The Schools and the Cloister: The Life and Writings of Alexander Nequam (1157–1217)*, ed. Margaret Gibson (Oxford, 1984), 145, no. 48, lists a *Ridmus de curia*, an amalgam of French and Latin. On parodies written in a mixture of Latin and French, see Veikko Väänänen, "Des fames, des dez et de la taverne: Poème satirique du XIII^e siècle mêlant français et latin," *Neuphilologische Mitteilungen* 47 (1946): 104–13; and Eero Ilvonen, *Parodies de thèmes pieux dans la poésie française du moyen âge* (Helsinki, 1914), 21–29. See also François Bonnardot, "Notice du manuscrit 189 de la bibliothèque d'Épinal, contenant les mélanges latins et français en vers et en prose," *Bulletin de la société des anciens textes français* 2 (1876): 64–132. The relationship between Latin and the Romance languages in the early medieval period is discussed by Brian Stock, *The Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton, 1983), 19–30. See Michel Banniard, *Viva voce: Communication écrite et communication orale du IV^e au IX^e siècle en Occident Latin* (Paris, 1992), on the linguistic nature of the Latin-speaking "ensemble" of Western Europe in the transitional period leading up to the Carolingian empire. See also Ian Short, "Patrons and Polyglots: French Literature in Twelfth-Century England," *Anglo-Norman Studies* 14 (1992): 229–49; and Bruno Roy, *Une culture de l'équivoque* (Montreal, 1992), 75–87.

attention from Latin scholars, who have investigated its literary pedigree, textual cruces, metrical problems, Latin sources, and the identity of the bishop of Beauvais criticized in the first part of the poem.⁴ The poem's overall function and purpose remain unclear, however, and little or no effort has been spent on explaining the vernacular component's presence. Why was it composed in two languages? Why did the poet split the text by passing from Latin to Old French at certain points in the narrative? Is there an overall literary design that directs the linguistic interchange in the text? Is the French colloquial or does Hugh Primas draw on the developing vernacular literary tradition to add resonance to his voice?

The asymmetry between the component of Latin and Old French no doubt reflects the domination of the academic Latin culture in the clerical circles in which Hugh Primas moved, but he betrays no discomfort in transgressing the boundaries of that world with the language of his own national culture. The predominance of the Latin element, with quotations from and allusions to classical, biblical, and liturgical texts, marks it as a production written by a literate storyteller for an educated and cultivated clerical and lay audience.⁵ That Hugh was a clerk, perhaps at Beauvais, is evident from his Latin *œuvre*, and in the brief autobiographical notices throughout his work he refers to himself as such. In the tradition of the jongleurs, Primas claimed the text as his own by naming himself within the poem.⁶ These poems with their embedded signatures represent the clearest attempt to link the poems with their ostensible author. Though "Primas" is a sobriquet for an artificial and fictional construct whose identity and personality vary according to rhetorical need, in more than one poem he aligns himself with the *clerici* and claims to have been trained in the school curriculum. In another he has the Parisian clergy name him a *magister*.⁷

Poem 16 differs from the other so-called signed poems only in the ingenuity with which he has represented his poverty. He has called upon two linguistic registers to extend the range of his voice in his search for patrons with

⁴ See Witke, *Latin Satire*, 214–24; Witke surmises that the use of the vernacular here "reveals that Primas attempts to be colloquial, and wants to show off his great linguistic skills" (218). See also Heinrich Roos, "Zu dem Oxforder Gedicht XVI des Primas," *Mittel-lateinisches Jahrbuch* 3 (1966): 253–54; C. J. McDonough, "Miscellaneous Notes to Hugo Primas and Arundel 1," *Mittel-lateinisches Jahrbuch* 14 (1979): 187–97; idem, "Hugh Primas and the Bishop of Beauvais," *Mediaeval Studies* 45 (1983): 399–409.

⁵ See Evelyn Birge Vitz, "Chrétien de Troyes: Clerc ou ménestral?" *Poétique* 81 (February 1990): 21–42. To the evidence of Hugh Primas's debt to the Latin literary tradition noted in McDonough, *Oxford Poems*, 52–60, add at v. 116 *Gen* 27:14 (*Vetus Latina*): *cibi delectabiles* (*Vetus latina: Die Reste der altlateinischen Bibel*, vol. 2, Genesis, ed. Bonifatius Fischer [Freiburg, 1951–54], 286 apparatus).

⁶ See Vitz, "Chrétien de Troyes," 25.

⁷ See Hugh Primas 15.91; 23.79–82 (ed. McDonough, *Oxford Poems*, 52, 69).

generous social attitudes to the poor both within the church and without. He would have expected the clergy to understand and appreciate the astringent commentary on ecclesiastical and social affairs and the techniques he uses to disguise the flattery of the archbishop of Sens and his retinue. Through these means he effectively postpones to the end the fact that he has written a petitionary poem with a twist, one that appeals for food for his horse!

Alongside a Latin idiom that shows familiarity with the *auctores*, the French component also offers revealing glimpses of the society and its values which were to find fuller expression in the vernacular literary genres that were evolving alongside it in the twelfth century. For there are linguistic and, possibly, literary cues that relate it to aspects of chivalric ideology, secular courtly culture, and a type of poem whose structural features and conventions were documented only towards the end of the twelfth century, the *pastourelle*. Hugh Primas chose to deploy his native speech not only for pragmatic reasons but also for aesthetic and cultural reasons. Its appearance at timely places in the narrative clearly ensured that the essential points of his tale would be accessible to the non-Latinate—to the monolingual francophone—members of his audience.⁸ In public performance the poet could by these means have reached a larger and possibly richer segment of Senonais society, and thus multiplied his chances of being materially assisted and given the rewards he so openly asks for.⁹

Poem 16 is above all concerned with Hugh Primas's economic relations and conditions of work within the archdioceses of Beauvais and Sens, and with the centrality of reciprocal generosity in his society. It constitutes a literary return for the patronage he had received over the years from the ecclesiastical establishment of Sens, and it was probably delivered to mark an anniversary of Hugh of Toucy's assumption of the archbishopric. Hugh Primas selected Sens, the *primatus Galliae*, as a suitable point of comparison to Beauvais not only because its archbishop in the 1140s was drawn from

⁸ Francis Cairns, "The Archpoet's 'Jonah-Confession' (Poem II): Literary, Exegetical and Historical Aspects," *Mittelaltersches Jahrbuch* 18 (1983): 193 n. 98, suggests that the Old French in Hugh Primas 16 helped audience members who lacked formal training in Latin to follow the learned tongue. Part of the audience may have had a passive understanding of some Latin syntax and vocabulary. Banniard, *Viva voce*, 95–96, notes that reading aloud in Gregory the Great's time could include the non-literate in educated culture. Short, "Patrons and Polyglots," 237, observes that Insular French coexisted with Latin as a complementary vehicle of expression, and he conjectures that the transition from Latin to French in bureaucratic circles was "natural and effortless" and not hierarchical (*ibid.*, 242).

⁹ Short, "Patrons and Polyglots," 238, cites Wace's statement, that his poetry was directed to the social class with the income to pay for his services, as representative of the twelfth-century vernacular poet's mission.

the secular clergy but because he knew from its historical writings and episcopal *vitae* that archbishops at Sens had tightly controlled the city's abbeys, had evinced no enthusiasm for austere monasticism, and had in general eagerly promoted secular culture.¹⁰ The contrast between the two was also prompted by geography, since Sens was the archdiocese adjacent to the archdiocese of Beauvais.

This study will examine, first, some historical aspects of the poem's subject matter which are attested by other witnesses, to show how the narrator shaped concrete events to suit his economic theme and the material conditions he worked under. It will suggest that the poet's decision to concentrate his attack on the bishop's spirituality and administration can be illuminated by a comparison of the poem with the accounts of contemporary bishops' lives. Next, it will consider some of the reasons the poet decided to express himself in what Bernard Cerquiglini, in discussing the period after the twelfth century, has termed "cette diglossie cléricale,"¹¹ and it will speculate that Hugh Primas directed the entry of his first language into the predominantly Latin component under the influence of certain concepts and values that were fully articulated in French literature a generation later. Deploying them skilfully, he colours his eyewitness account of two French bishops, their personal qualities, and their contrasting attitudes to their ecclesiastical mission. On the last point two episodes are especially revealing in their use of the vernacular: the invective against the bishop of Beauvais and the narrator's account of his visit to Sens. Further, this study will offer some generalizations about the composition of the actual audience that received the poem and the way in which the poet incorporates the fictive audience into the poem's structure as a device to direct the audience's response to his needs. Finally, it will sketch an appropriate occasion when Hugh Primas could have delivered the production.

I

The poem begins by relating the narrator's personal alienation and pain at being maltreated in Beauvais and his angry criticism of the bishop. The

¹⁰ See Guy Lobrichon, "Moines et clercs à Sens et Auxerre au X^e siècle: Culture et société," *Mittelaltinisches Jahrbuch* 24/25 (1989-90): 277-94. Note the epitaph of archbishop Ansegisus of Sens in *Gallia Christiana*, vol. 12 (Paris, 1770), col. 27: "Ut primas fieret Gallorum papa Johannes / instituit . . ." (emphasis mine).

¹¹ Review of Serge Lusignan, *Parler vulgairement: Les intellectuels et la langue française aux XIII^e et XIV^e siècles* (Paris, 1986), *Romance Philology* 44 (1990-91): 66. W. T. H. Jackson, *The Interpretation of Medieval Lyric Poetry* (London, 1980), 10, notes the impossibility of determining the "precise impact of a word or a group of words" on the contemporary audience, but observes that the author's expectations of his audience can be reconstructed.

attack on the chapter of Beauvais is directed initially against the cathedral canons for their allegedly habitual conduct in looking to monasteries as a source of episcopal candidates. It then shifts to comment on the elected bishop's character and his conduct of diocesan affairs. Because the narrator comments on the significance of what he recounts, it is possible to reconstruct the assumptions and attitudes thought to be desirable in a good bishop, and to compare them with contemporary biographies of some French bishops of Auxerre. Further, the animus contained in the charge of monastic bias can be judged against the origins and ecclesiastical backgrounds of other episcopal candidates.

Although in 1137 the percentage of French bishops drawn from the regular clergy was substantial, the election of monastic bishops in Beauvais between 950 and 1250 was rare.¹² Within those three centuries only three had reached the bishopric from such a background, but they had all taken office successively within a span of thirty years in the first half of the twelfth century. Two of them, Odo II (1133–44) and Odo III (1144–48), had been abbots of local houses, while the third, the most likely target of the tirade, was Henry of France (1149–62), a monk who had been summoned from the more distant house of Clairvaux.¹³ This phenomenon, presumably, provided the ammunition for the poet's rhetorical denunciation of what he interpreted to be the cathedral chapter's improper bias. Yet however anomalous the election of three successive monastic bishops may have been in the ecclesiastical history of Beauvais, it reflected a wider trend in early twelfth-century France to select monks for various sees. Constance Bouchard has plausibly linked this increase in the numbers of bishops from monastic backgrounds to the culture's identification of spirituality with monasticism.¹⁴ The prestige of the so-called apostolic virtues of humility, personal poverty, and seclusion from the world clearly influenced the Beauvais chapter at this time to seek out monks as episcopal candidates, just as it had in Auxerre, which had also opted for three monastic bishops in succession.¹⁵

¹² The election of monks as bishops was almost as rare in Auxerre: see Bouchard, "Geographical, Social and Ecclesiastical Origins," 283, 289; Pacaut, *Louis VII*, 150.

¹³ See Philip Grierson, "Eudes I^{er}, évêque de Beauvais," *Le Moyen Age* 45 (1935): 161–98; Newman, *Les seigneurs* 1:225; McDonough, "Hugh Primas," 405–7. If the decree of the Second Lateran Council of 1139 had been observed, Henry would have been elected within three months of the death of Odo III; see Bernhard Schimmelpfennig, "Papst- und Bischofswahlen seit dem 12. Jahrhundert," in *Wahlen und Wählen im Mittelalter*, ed. Reinhard Schneider and Harald Zimmermann, Vorträge und Forschungen 37 (Sigmaringen, 1990), 191. The Lateran Council's prescription of three months, however, probably indicates that elections took much longer.

¹⁴ Bouchard, "Geographical, Social and Ecclesiastical Origins," 289; *Spirituality*, 15; *Sword, Miter, and Cloister*, 387–91.

¹⁵ Bouchard, "Geographical, Social and Ecclesiastical Origins," 284–86.

However, at all Burgundian houses, including Sens, by the end of the eleventh century a shift had already taken place in episcopal elections, which resulted in the transfer of power in such matters from secular authorities to local ecclesiastics, in particular to cathedral chapters. As a consequence, not since 954 had an archbishop of Sens been drawn from the regular clergy.¹⁶ In his choice, therefore, of the sees of Beauvais and Sens to carry his partisan analysis of church politics, both perfect vehicles for the rhetorical counterpoints of his narrative, the poet proved himself to be on this point, as in other matters, a shrewd observer of the contemporary scene.

Although the poet asserts that in Beauvais the monk had been chosen by the chapter (vv. 6–7, 38, 58–60), he implies that external influence had exploited the jealousies and hatreds that had allowed an outsider (v. 72) to triumph, rather than a member of the cathedral chapter (vv. 63–64, 73–80). In addition, while the statement that the monk had gained the post *non suis meritis* (v. 39) might refer only to his personal character, the phrase hints at other forces that may have influenced the issue. Given Henry's familial and ecclesiastical origins, it would be naive to assume that his brother, Louis of France, and Bernard of Clairvaux were disinterested in the outcome of the election.¹⁷

Moreover, the emphasis laid on the canonical nature of the election in Sens implies that there had been procedural irregularity in Beauvais. The dean, or whoever had the *prima uox* (v. 78) in Sens in 1142, had repulsed the attempted bribery of a presumably local abbot to win the seat (vv. 73–80). The successful candidate had won universal consent (v. 83) and the process had been judged entirely proper.¹⁸ The electoral principle of the *maior et sanior pars*, drawn from the Rule of Benedict and incorporated into the first canon of the Third Lateran Council, is implicit in the phrase *sanum*

¹⁶ Ibid., 287.

¹⁷ L. Genicot, "Aristocratie et dignités ecclésiastiques en Picardie aux XII^e et XIII^e siècles," *Revue d'histoire ecclésiastique* 67 (1972): 441–42, notes that a considerable portion of the high dignitaries in the cathedral chapter of Beauvais between 1072 and 1304 derived from noble and chivalric lines and that the effects of the Gregorian reforms on ecclesiastical nominations were marginal. Newman, *Les seigneurs* 1:225, notes that in the first three quarters of the twelfth century the office holders in the Beauvais chapter were the sons of noble families in the region.

¹⁸ See Werner Maleczek, "Abstimmungsarten: Wie kommt man zu einem vernünftigen Wahlergebnis?" in *Wahlen und Wählen*, 118–20; on the criteria for the canonical election of bishops in eleventh-century France, see *The Letters and Poems of Fulbert of Chartres*, ed. Frederick Behrends (Oxford, 1976), Ep. 22, p. 42: "... quomodo electio recte dici possit ... ut nec clero nec populo ... ad alium deflectere concedatur?" and (citing the Council of Riez) "Sed nec ille ... deinceps episcopus erit, quem nec clerus nec populus propriae ciuitatis elegerit"; cf. Hugh Primas 16.81–82 ("Elegit ... honestum socium, / Cleri leticiam, amorem ciuium"); see also Bouchard, *Spirituality*, 18, on Humbaud's election.

consilium, which had been exercised by the people and clergy of Sens (v. 70). With this the poet contrasted the *dementia* (v. 54) of the capitular politics in Beauvais that had imposed a former monk on the community, even though the testimony of Peter the Venerable asserts that the election had not been a divisive one.¹⁹

The record of elections in Sens supported the poet's stated preference for episcopal candidates from the secular clergy. Hugh of Toucy, archbishop of Sens from 1142 to 1168,²⁰ came from the Auxerrois and was in many ways typical of the Senonais bishops elected between 950 and 1250. Although his origins lay outside the immediate area of the archbishopric, he had been chosen from the cathedral chapter where he had held the office of *prae-centor*.²¹ The desirability of this qualification emerges from the repeated use of the terms *socius* (vv. 21, 60, 81) and *filius* (vv. 19, 61, 62, 71). Hugh of Toucy's social origins also conformed to the pattern of choice at Sens, for in the same period fifteen of the seventeen archbishops belonged to the nobility.²² The confluence of these trends again confirms that the poet was right in choosing to deliver his particular message to Sens, and it doubtless determined his rhetorical strategy to win material reward.

The narrator concentrated his assault on the bishop of Beauvais in two particular areas, driven by a wish to deny the existence of the monastic virtues in him and to put the worst possible construction on his withdrawal from the world. The structure and contents of the episode (vv. 22–53) can be analyzed in more than one way. It can be read as a gloss on the apostle Paul's text to Titus (1:7–8) on the qualities of a good bishop. But it can also be profitably compared with contemporary *vitae* of the bishops of Auxerre. In attacking the bishop's spirituality and administration, the poet singles out two attributes that formed a standard part of the assessment of episcopal achievement.²³ The material is arranged within two panels of sixteen lines each (vv. 22–37, 38–53) and can be further refined as follows:

22 Election of monk	38–39 Election of monk
23–31 Gluttony/drunkenness	40–45 Misuse of legal power
32–37 Nepotism	46–53 Dietary/sexual excess

¹⁹ See Giles Constable, *The Letters of Peter the Venerable*, 2 vols. (Cambridge, Mass., 1967), 1:360 and 2:195–96.

²⁰ Bouchard, *Spirituality*, 84, dates Hugh of Toucy's primacy from 1143 to 1168.

²¹ See *Gallia Christiana* 12:33–34.

²² See Bouchard, "Geographical, Social and Ecclesiastical Origins," 281, 286, 290.

²³ Bouchard, *Spirituality*, 5–8, on the *Gesta pontificum Autissiodorensium* (PL 138:219–394); see *Spirituality*, 14, for the distinction the biographers drew between the categories of holiness and administration.

The biographies of the bishops of Auxerre began with their election and proceeded to delineate their virtues and activities.²⁴ This pattern the poet follows, although in much more dynamic manner, with the proclamation of the monk's election victory through the linguistic opposition of "li moines ad episcopium" (v. 22), a combination of words that would have carried its own set of expectations. The particular acts of carnality attributed to the bishop denote the absence of spirituality proper to one in this office, and its full effect emerges from a notice by the biographer of Humbaud, bishop of Auxerre (1092–1114), that the bishop, a cleric, ate no meat and drank extremely little wine in order to resist the forbidden demands of the flesh.²⁵

The other charges fall within the realm of what the biographers defined as the bishop's *administratio*. In the first example, presented in a lively scenario, the poet alleges that the bishop indiscriminately appointed a number of his relatives as high dignitaries or as ordinary members of the chapter (vv. 32–37). The historical record, however, shows that Henry lacked the opportunity to install his favourites. While Henry may have appointed some new canons during his tenure, it is known that throughout his career as bishop of Beauvais the treasurer was not replaced, despite the narrator's assertion to the contrary ("Dunt fait cestui canoine, hunc thesaurarium," v. 35). Newman has pointed out that of all the high officials in the chapter, including the archdeacons, the chanter, and the treasurer, only the dean was changed in 1158.²⁶ Nepotism, on the other hand, was common enough. Humbaud, while bishop of Auxerre, promoted his nephew Ulger to the post of provost of the cathedral chapter, and Hugh of Macôn made two nephews canons in the chapter of Auxerre and another nephew, Stephen, provost. Even archbishop Hugh of Toucy, the idealized rhetorical foil to Henry of France, lost no time in making his two younger brothers, William and Hervé, archdeacon and provost respectively in his administration at Sens.²⁷

The narrator's partisan spirit in this matter clearly undermines confidence in the other malefactions charged against the bishop. The allegations in-

²⁴ Ibid., 10; on the fondness for fish (vv. 24–26) as a subject for abuse, see E. Courtney, *A Commentary on the Satires of Juvenal* (London, 1980), 197.

²⁵ *Gesta pontificum Autissiodorensium* (PL 138:291C): "De illicitis . . . motibus carnis silendum non est; quos ab eo ciborum parcimonia et potus comprimere studiosus fuit, ut . . . a carnibus sese abstineret . . . nec vinum, nisi parum, biberet." See Bouchard, *Spirituality*, 33.

²⁶ Newman, *Les seigneurs* 1:226–27, notes that the only known instance of Henry's using his influence to have a nephew appointed occurred thirteen years after he had left the see of Beauvais.

²⁷ Bouchard, *Spirituality*, 24, 62–63 (*Gesta pontificum Autissiodorensium* [PL 138:299–300]), 84.

cluded a vexatious administration of ecclesiastical courts (vv. 43–45), a lack of generosity to long-serving retainers and their needs (vv. 36–37), and a misuse of the church's patrimony—the *uillae* situated at some distance from Beauvais (vv. 46–48)—to indulge in sexual crimes and other irregular activities.

The divisive effect of the election on the broader community, the result of the invidious and malicious choice by officials and members in the Beauvais chapter, contrasts sharply with the calm that prevailed at Sens, as Hugh Primas portrays it. For, like bishop Humbaud's biographer,²⁸ the poet stressed the absence of dissent in the election (vv. 82–84). A favourable assessment of Hugh of Toucy's solid administration is further implied in the praise of the dean's magnanimity and integrity (vv. 78–80) and the liberality of the archdeacon, which is singled out for special comment. Since the poem's date of composition can be securely placed in the early 1150s, the archdeacon of Sens in question can only have been William, the younger brother of the archbishop, who had been appointed to the position at least as early as 1146.²⁹ The poet's acknowledgement that the archdeacon had given him clothing and a horse supports the notice of Fromond, William's biographer, that William had gained a reputation as archdeacon for his hospitality and his maintenance of a large *familia* of servants.³⁰

Setting the local history of Beauvais against the broader pattern of episcopal elections in the first half of the twelfth century thus enables us to assess the strident tone of the poet's assumed voice and the reliability of its claims. Beauvais had broken decisively with its past practice of choosing as prelates secular clergy, a fact that the poet seized on for his own artistic and ideological ends. In choosing to highlight the bishop's spiritual and administrative deficits, Hugh Primas probably took his lead from the conventional divisions that structured contemporary episcopal biographies.

II

The linguistic mixture that carried the narrator's lively viewpoint on church matters contributes much to the poem's originality. A formal analysis of the poem shows that the extent of the Old French element in the forty-five verses varies from an entire verse to the first two syllables of the Alexandrine line.

²⁸ *Gesta pontificum Autissiodorensium* (PL 138:286C): "Humbaldus a clero et populo civitatis in pontificem eligitur . . ."; see Bouchard, *Spirituality*, 18.

²⁹ Bouchard, *Spirituality*, 84; on the poem's date of composition, see McDonough, "Hugh Primas and the Bishop of Beauvais," 402–7.

³⁰ Bouchard, *Spirituality*, 92.

Of the various configurations, the most frequent pattern divides the line at the caesura equally between the vernacular and Latin respectively.³¹ Only one verse reverses this order in the presentation of the languages:

Fuge suspicari par mal intencium! (v. 95)

Six verses are composed entirely in French,³² as is the half-line at v. 132. The proportion of French to Latin in the remaining verses ranges from three-quarters to a quarter of a line.³³ Three lines show a more complex interlingual and syntactic integration:

Cil, ki primam uocem out en l'eslectium (78);

Vnques n'oi in mundo si buen hospicium (88);

In quibusdam folie et ignorantia (57).

Throughout the poem are distributed clusters of lines containing an element of the vernacular, the longest of which extends over seven lines (vv. 30–36). Other groupings occupy five (vv. 99–103), four (vv. 65–68), three (vv. 141–43, 145–47), and two lines (vv. 16–17, 85–86, 88–89). The bilingual verses are split almost evenly between the two parts of the poem, with twenty-three allocated to the section on Beauvais (vv. 1–68).

The French element formed an organic and complementary part of the poem from the start. It was not grafted as an extraneous element onto a preexisting text but rather forms a perfect syntactical ligature with the Latin in each instance. Occasionally, the close relationship between Latin and Old French allowed Hugh Primas to meld certain nouns of Romance origin into Latin formations so that entire lines are made to conform to the length and rhyme of the verse schema.³⁴ All verses of this type have their rhyme endings in *-ium*, except for v. 65,

³¹ The verses are 8, 17, 22, 30, 32–33, 35, 47, 51, 60, 67–68, 71, 73, 89, 101–3, 105, 141–43, 146–47, 153. Udo. Kindermann, "*A la feste sui venuz, et ostendam quare*: Ein Gegenfest schafft lateinische Literatur," in *Feste und Feiern im Mittelalter*, ed. Detlef Altenburg et al. (Sigmaringen, 1991), 349 and n. 3, discusses an early thirteenth-century satire, where the linguistic division in the first verse is identical to Primas's schema. U. Müller, "Mehrsprachigkeit und Sprachmischung als poetische Technik: Barbarolexis in den *Carmina Burana*," in *Europäische Mehrsprachigkeit: Festschrift zum 70. Geburtstag von Mario Wandruszka*, ed. Wolfgang Pöckl (Tübingen, 1981), 87–104, distinguishes between different languages that are syntactically integrated ("Sprachmischung") and cases where two languages are juxtaposed ("Mehrsprachigkeit").

³² Vv. 6, 34, 53, 65, 85–86.

³³ The number of syllables in Old French in each verse is listed first: 10:2 (v. 145), 9:3 (v. 31), 8:4 (v. 66), 7:5 (v. 16), 3:9 (v. 99), 2:10 (vv. 20, 36).

³⁴ *Electium* (v. 6; cf. v. 78) = OF *eleccion*; *cognatium* (v. 34) = OF *cognacion*; *acensium* (v. 86) = OF *acension*; *intencium* (v. 95) = OF *intencion*; the Latin *dominium* in v. 12 is

Nel di pas pur cestui: assez buen home i a,

the only vernacular ending in the entire section (vv. 54–68) that complements the long series of Latin nouns and adjectives of the type *dementia* (v. 54) and *necessaria* (v. 59). The half-line at v. 132, “Se je bien le conui,” looks like a vernacularization patterned on the Latin phrase of the type *si bene te noui*, found, for example, in Horace, *Epist.* 1.18.1 and *Serm.* 1.9.22 (“si bene me noui”).

By the start of the ninth century Latin and the Romance language had emerged as distinct entities. At first the presence of French in Latin texts arose for practical reasons, as paraphrase, commentary, or linguistic gloss. The oldest of the so-called *épîtres farcies*, in which the vernacular made the Latin epistles accessible to a non-literate public, belongs to the first half of the twelfth century, the same period that saw the appearance of French verses in Latin plays.³⁵ So, too, in the poem the popular idiom inevitably broadened Hugh Primas’s potential audience. Through its placement at strategic points of the narrative, the poet, a skilled communicator, ensured that his essential concerns were communicated to the monolingual French.

An analysis of the placement of the French reveals the different messages communicated by it in the two halves of the poem. From the running commentary on the invective in the first part of the story, French speakers would understand that the subject at issue involved the election to the see of a monk (v. 22) who was a drunkard (v. 30), a libertine (v. 53), and one who abused his office by appointing relatives (vv. 33–35) to the chapter. Accessible also would have been the poet’s advice to Beauvais to elect in future a secular cleric (v. 60), as well as the ironic banter directed at an anonymous member of his audience (vv. 65–68).

In the second half of the poem, the poet entrusted to his mother tongue matters in which he had a more material interest. His tendentious approval of Sens for electing a native son from the secular clergy to the archbishopric is followed by information, communicated in French, concerning the various material goods and rewards heaped on him by church dignitaries (v. 85)

a homophone of OF *dominion*. For examples of linguistic back-formation in Anglo-Norman documents, see Short, “Patrons and Polyglots,” 242. Fleischman, “Philology, Linguistics, and the Discourse,” 21–22, calls Old French “very much a spoken language, the communicative instrument of a fundamentally oral culture, adapted . . . to writing.”

³⁵ See Karl Voretzsch, *Introduction to the Study of Old French Literature*, trans. F. M. Du Mont (Halle/Saale, 1931), 113–16; Ilvonen, *Parodies*, 22–24; Zumthor, *Langue*, 90–91, on “farciture”; Short, “Patrons and Polyglots,” 232–33, on the functional aspect of the French vernacular to transmit religious writings in the Eadwine Psalter, produced in Canterbury ca. 1155–60; by 1140 French is found in administrative documents in England.

and the Senonais nobility. From a certain Reinalt had come hospitality (v. 89), while the archdeacon, the previous donor of a cloak, had now given him a horse in good fettle (vv. 103–5), and from an English lord, Richard, had come clothing (v. 153). Finally to the archdeacon he directed a plea for a gift on the grounds that the archdeacon had already been charitable to a certain Andrew, whereas he, an old poet, had been forced to pawn sundry items to survive (vv. 141–46). Although Hugh Primas used Latin terms to specify the requested gift of oats and hay for his horse, the similarity of the vernacular terms for the same commodities was close enough to have allowed the non-Latinate members of his audience to understand the items requested.³⁶

By committing to French the central elements of his opinionated viewpoint and his petition, the poet overcame some of the problems of communication before his primary audience,³⁷ which would have included influential members of the monolingual laity. Public performance would have multiplied the chances of material reward for his literary efforts, since his financial plight would have reached a larger and possibly richer segment of Senonais society.

Yet apart from the primary function of communication, is there any evidence that the poet used the vernacular to arouse aesthetic interest? The revelation of the hypocrisy of the bishop of Beauvais has been analyzed above in relation to the biographical tradition of bishops of Auxerre. But the narrator's condemnation ultimately rested on the view that the bishop had betrayed the obligations and ethical values on which the contemporary aristocratic and chivalric standards depended. In particular he calls attention to the neglect and abuse of the ties that bound the lord to his subjects. In contrast he extols Hugh of Toucy for personally upholding a belief in the mutual satisfaction of interests, and for encouraging his household to do likewise.

It would, therefore, have seemed natural to draw upon the language that was giving the clearest expression to this ethos in the nascent courtly literature of the day. Through the deft use of certain vernacular terms, he

³⁶ See Frédéric Godefroy, *Dictionnaire de l'ancienne langue française et de tous ses dialectes du IX^e au XV^e siècle*, 10 vols. (Paris, 1881–1902), 3:752, s.v. *fenum* (cf. Lat. *fenum*); A. Tobler-E. Lommatzsch, *Altfranzösisches Wörterbuch* (Berlin and Wiesbaden, 1925–), 1:711–12, s.v. *aveine* (cf. Lat. *avena*); the difference in the pronunciation of the words by the Latinate and the uneducated may not have been great. Short, "Patrons and Polyglots," 242, observes that Latin and Old French were so close that they could form a "single linguistic spectrum."

³⁷ See Michael Richter, "Kommunikationsprobleme im lateinischen Mittelalter," *Historische Zeitschrift* 222 (1976): 43–80.

could ironically call attention to the great distance that separated the bishop's conduct from that sanctioned by contemporary standards. The bishop's royal connections and the noble and chivalric backgrounds of the chapter's high dignitaries in Beauvais would have further deepened the paradox. French could be introduced to unmask and deflate the ecclesiastical hypocrisy that paraded in the weighty discourse of the Latin language.

Further, the recurrent allusions and references to the activities, rituals, and conventions of knights make it plausible to suggest that the narrator spoke in the voice of a member of that class and that his audience shared the values he supports. If the conceit of the narrator as a *povre chevalier*, attached to a court, did guide the poem's rhetorical strategy, it would unify the great diversity of subject matter that the narrator comments upon, from his expressed duty to protect the Church, his complaint about abysmal lodgings, the subtext on the duty and value of largesse dispensed by the more powerful, to the matter of horses, their costly upkeep and feeding, and the pawning of items to support them, with which the poem ends.³⁸

Meyer held that the structure of the work was built around the contrast between the dark and sinister forces in Beauvais and the harmonious state of affairs in Sens.³⁹ But, although the narrator motivates the poem on a socio-political note, alleging the cause for his dissatisfaction to be the misguided choice of an archbishop from the wrong institutional background, it emerges that the poet directly connected the discord in Beauvais and the social cohesion of Sens with the question of the largesse distributed by the church establishment. For the vocabulary used of both prelates and their circles belonged as much to lay society as to the realm of religion, to lords as well as prelates, to the expression of secular as well as ecclesiastical values.

³⁸ See Jean Flori, "Aristocratie et valeurs 'chevaleresques' dans la seconde moitié du XII^e siècle: L'exemple des lais de Marie de France," *Le Moyen Age* 96 (1990): 38–39, 41. Examples from life and literature abound: Maurice Keen, *Chivalry* (New Haven, 1984), 26, mentions that William the Marshal, whom Hugh Primas probably did not know, pawned the mantle in which he had been knighted in order to replace the horse he had lost in battle; at p. 135 he notes the poor lodgings in which the herald discovered Lancelot in Chrétien de Troyes's *Le chevalier de la charette*; see *Le chevalier de la charette* 2443–55 (ed. Mario Roques [Paris, 1970]), where the people of Logres welcome Lancelot by begging him to lodge with them. Marie-Luce Chénier, *Le chevalier errant dans les romans arthuriens en vers des XII^e et XIII^e siècles* (Geneva, 1986), 508, notes that in the Middle Ages travellers of a certain class, including knights, received hospitality that had to be paid for, but was often private. They often stayed with the bourgeois, who had a right to demand securities in default of payment. Though Hugh Primas does not specify the reason, he states that he had been obliged to pawn his saddle and bridle (v. 146).

³⁹ See Meyer, *Die Oxforder Gedichte*, 23–24 (97–98); McDonough, "Miscellaneous Notes to Hugo Primas," 187–89.

The fusion of the two occurs in the use of the word *hominium* (v. 13) to deplore the subordination of educated clerics to a former monk.⁴⁰ Again, the poet indicts the bishop for dismissing without recompense those with a long record of service (*seruicium*, v. 37).⁴¹ The bishop's action is to be judged according to the requirements of a social system influenced by aristocrats and knights. On the other hand, Hugh of Toucy is presented as an ideal lord, the *dominus* (v. 121) whose praises the poet will sing. The repeated description of him as a *iuenis* (vv. 107–8, 113, 137), a word that could refer to a churchman, also associated him with knights, and he is presented in the company of such warriors.⁴² In short, the words, metaphors, and standards used to appraise the two leaders, both nobles by descent, place them at opposite poles of the aristocratic ideal.

Two sources of information in the poem indicate that the poet used as the basis for criticizing the two bishops a conceptual framework based on the courtly values found in contemporary vernacular literature. The narrator sets out the first in an authorial intervention (vv. 53–57) that catalogues the deficits of Beauvais. In the second, the rules of proper chivalric conduct can be inferred from a series of incidents in the narrative which the author's ironic commentary illuminates.

The most explicit evidence occurs in the conclusion of the narrator's indictment of the bishop's conduct:

Tunc primum apparet uestra dementia,
Quando pontificis incontinentia
Et uanitas patet et auaritia.
In quibusdam folie et ignorantia (53–57).

The importance of the list lies in the implication of an order and a broader sphere of reference within which issues can be judged, issues that are related as much to morality as to ecclesiastical politics. The meanings of the five abstract nouns which itemize the failings can be connected with key concepts of aristocratic and knightly values. While one word in Old French, *folie*

⁴⁰ On *hominium*, a word modelled on *dominium* (see DuCange, *Glossarium mediae et infimae latinitatis*, ed. Léopold Favre, 10 vols [Paris, 1937–38], 4:215; Hugh Primas 16.12–3: “Et ki sor toz deureit auer *dominium*, / Clericus monacho facit *hominium*”) as part of the ritual of vassalage, see Jacques Le Goff, *Time, Work, and Culture in the Middle Ages*, trans. Arthur Goldhammer (Chicago, 1980), 240–41.

⁴¹ On largesse as a courtly virtue dispensed by lords to those who “served” them, see Flori, “Aristocratie,” 59–62; and idem, “La notion de chevalerie dans les chansons de geste du XII^e siècle: Étude historique de vocabulaire,” *Le Moyen Age* 81 (1975): 235–38, for a discussion of ways in which all knights served their lords.

⁴² See Georges Duby, *The Chivalrous Society*, trans. Cynthia Postan (London, 1977), 112–13.

(v. 57), evidently picks up the notion of *dementia* (v. 53), the term's implications are enlarged, for example, when viewed against the concept of *folie* in the work of Chrétien and in the poetry of the earlier troubadours.⁴³ Broadly defined, it referred to the rejection of convention as well as submission to the demands of impulsive desire. In the world of Chrétien's heroes, anyone stigmatized with this defect could not aspire to a rational and ordered way of life, one that rested on the notion of *mesure*, the ability to act in a manner suitable to one's status, which included the precept of being liberal and generous. One pillar that supported the ideal of *mesure* was *savoir*, which described a tendency to subordinate personal and social behaviour to reason. The notion included the control exercised by the mind over self-indulgent wishes.⁴⁴

In this innovative poem, the occurrence of *folie* provides a toe-hold for further conjecture that the poet was attempting to echo this nexus of ideas with the following substantive *ignorantia*. While the noun embraces the idea of the bishop's intellectual and religious deficiency, it might also represent an attempt to express in Latin the antithesis of the courtly virtue *savoir*. Some slight support for this speculation may be inferred from the verbal form "set," from *savoir*, where it is significantly qualified by the adverb *cortisement* (v. 66). The note of secular courtly culture, introduced here by the ironic allusion to the courtly man (cf. *honestus socius*, v. 81),⁴⁵ is sounded when the narrator likewise addresses the bishop as a *buen home* (v. 65). After he explains why he has so designated him ("bien set cortisement . . .," v. 66), he disappoints the reader's expectations of beautiful accomplishments with a series of items that include knife handles, grotesque figurines of wood, and engravings with possibly pagan undertones. Whatever the precise significance of these objects may be,⁴⁶ the jarring combination of the courtly, conjured up by *cortisement*, with the mechanical skills

⁴³ L. T. Topsfield, *Chrétien de Troyes: A Study of the Arthurian Romances* (Cambridge, 1981), 314; Tobler-Lommatzsch, *Altfranzösisches Wörterbuch* 3:2012–13, s.v. *folie*, cites Marie de France, *Lais* G. 491: "N'est pas amurs, einz est folie E malvaistiez e lecherie." See Flori, "Aristocratie," 60, on *mesure* as a noble virtue.

⁴⁴ Topsfield, *Chrétien de Troyes*, 315–16.

⁴⁵ For *home* (v. 65) in the sense of vassal, see Flori, "La notion de chevalerie," 237; on *folie*, Jean Frappier, *Amour courtois et Table Ronde* (Geneva, 1973), 193, cites from a prose version of *Lancelot*: "... j'ai por vous faite mainte coze qui plus m'est tornee a honte que a honor et plus a folie que a savoir ..." (emphasis mine). For a brief overview of the concept of *courtoisie*, see Paul Zumthor, *Essai de poétique médiévale* (Paris, 1972), 466–75.

⁴⁶ Marie-Thérèse d'Alverny, "Récréations monastiques: Les couteaux à manche d'ivoire," in *Recueil de travaux offert à M. Clovis Brunel*, 2 vols. (Paris, 1955), 1:23–24, notes that knives with ivory handles were used as instruments of divination.

represented by these objects suggests that the poet was familiar with motifs and values inherent in the idea of secular *courtoisie* as one means in his rhetorical arsenal to decry the bishop's way of life and morality. Courtliness implied a combination of internal and external qualities of generosity, loyalty, liberality, and a rejection of envy, a vice that Hugh Primas singled out as the dominant one in the chapter of Beauvais (vv. 20–21).⁴⁷

Of the other terms, *incontinentia* points specifically to the bishop's inability to control his gluttony, but, in this context, it should be remarked that the word in Latin referred primarily to a lack of moderation or measure.⁴⁸ Again the word may be an attempt to find in Latin a term whose semantic field was broad enough to convey the opposite of qualities implicit in the Romance word *mesure*. *Mesure* implied a disciplined social life, a willing acceptance of restraints imposed by the milieu, acceptable behaviour to one's fellows, and the manner in which one performed one's duties, all criteria against which the bishop's conduct is judged and found wanting.

The other two nouns involve related ideas. *Vanitas* belongs to the complex of ideas associated with *folie*. In courtly society generosity was a central virtue. When grand seigneurs were not compliant, the charge most often heard against them was that of avarice, the remaining item in the poet's indictment (*avaritia*, v. 56). This and the idea of largesse are thematized throughout the poem. Although Hugh Primas's expresses his concern with generosity most openly in the second half, the theme underlies and fuels much of the criticism he voiced in the first. In fact, the poem describes an arc that moves from the narrator's exclusion in Beauvais to his recognition and acceptance by the powers-that-be in Sens. It emphasizes the liberality of Hugh of Toucy's entourage and ends with a further gesture of the social contract, when the narrator tells the tendentious story of pawned items redeemed by a generous English lord (*uadimonia*, v. 153). The recurring mention of gift exchange draws attention to the power of the social relationships between high-ranking persons and members of a lower group⁴⁹ and reveals one way in which the strong protected the weak. The archbishop's

⁴⁷ On the sociological reasons for the emergence of the courtly mode of life in the first half of the twelfth century, see Zumthor, *Essai de poétique médiévale*, 467.

⁴⁸ *Thesaurus Linguae Latinae* [TLL] (Leipzig, 1900–) 7.1:1018, line 2; line 13 = *intemperantia libidinis impurae*; line 37 = *intemperantia ciborum*. The rare noun *immoderantia* is attested (TLL 7.1:483, line 6), but its semantic field did not include sexual excess. In thirteenth- and early fourteenth-century bilingual lexica, *incontinentia* is rendered in French by *luxure*: see Mario Roques, *Recueil général des lexiques français du moyen âge* (Paris, 1936), 37 (1.398); 79 (390); 169 (3.072). On the meanings attached to the concepts of *cortoisie* and *mesure*, see Zumthor, *Essai de poétique médiévale*, 469.

⁴⁹ Flori, "Aristocratie," 59–60.

savoir-vivre finds itself mirrored in the archdeacon's social conscience, into whose mouth the narrator puts a public declaration of the societal importance of materially assisting the poor (vv. 100–101), and in the generous lodgings that were put at his disposal by a nobleman in Sens (v. 88).

Conversely, the narrator had been excluded and ill-treated in Beauvais. Under the social contract, he would have been justified in taking personal offence at his exclusion from the system, and the slights and insults that he alleges at the outset as the pretext for his poem should be considered against this background.⁵⁰

If aristocratic values underpinned the poet's world view, three other episodes with chivalric overtones seem to reflect them. In each case the vernacular ironically undercuts these assumptions. The brevity of the French phrases limits their value as evidence, but they offer tantalizing glimpses into the poet's strategy. Two in particular may point to the world of chivalry.

The bishop of Beauvais is introduced, as noted above, with the line,

Or est uenuz li moines ad episcopium (22).

The phrase "Or est venuz" has a revelatory ring, recalling the Latin *ecce uenit* of medieval hymns with their announcement of the Saviour,⁵¹ against which the juxtaposed "li moines" can only be anticlimactic. It is of passing interest to note that in Chrétien of Troyes's *Le chevalier de la charette*, written about 1180, a generation after Hugh Primas, the reader learns from the herald that Chrétien was the first to use the expression "Or est venuz qui l'aunera," and that from him all French-speaking people learned it.⁵²

⁵⁰ On vv. 1–2, cf. the topos of *dolor* alleged as a pretext to write, in Bernard of Clairvaux, *Apologia ad Guillelmum* 1 (ed. J. Leclercq, C. H. Talbot, and H. M. Rochais, *S. Bernardi Opera*, 8 vols. [Rome, 1957–77], 3:1): "Nunc vero nova urgente causa, pristina fugatur verecundia, et vel perite, vel imperite, *dolori* meo satisfacere *cogor*, fiduciam dante ipsa necessitate. Quomodo namque *silenter* audire possum vestram huiusmodi de nobis querimoniam . . ."; In *Psalmum "Qui habitat" sermo* 7.14 (*S. Bernardi Opera* 4:222): "... *silere* prohibet *vis doloris*" (italics mine). On *iniuria* (v. 1), cf. Gunzo, *Epistola* 1 (ed. Karl Manitius, *MGH Quellen zur Geistesgeschichte des Mittelalters* 2 [Weimar, 1958], 19–20): "... vos expeto in querela *iniurie* a quodam cucullato in sancti Galli coenobio mihi illate" (italics mine).

⁵¹ See *Analecta Hymnica Medii Aevi*, ed. G. M. Dreves et al., 55 vols. (Leipzig, 1886–1922), 20:59, no. 32 ("Ecce venit de Sion / Qui castiget Babylon / . . ."), 20:111, no. 135, 40:21, no. 1 (*De adventu Domini*: "Ecce, veniet / Deus et homo factus").

⁵² *Le chevalier de la charette* 5563–74 (ed. Roques). Zumthor, *Essai de poétique médiévale*, 476, puts Chrétien's birth ca. 1135–40 and his death ca. 1190; on 478 he dates *Le chevalier de la charette* to ca. 1177. For a concise bibliography on the history of the tournament proclamation "Or est venuz qui aunera," see Tobler-Lommatzsch, *Altfranzösisches Wörterbuch* 1:677, s.v. *auner*. On the OF adverb *or/ore* (cf. Hugh Primas 16.22, 30, 32) as a punctuation mark that assumes a text unfolding in time and through the time of recitation, see Fleischman, "Philology, Linguistics and the Discourse," 32–33.

The reference is to the cry uttered by the herald at a tourney held at Noauz on midsummer's day to announce the arrival of Lancelot. Since the herald had been sworn to secrecy by the knight, Lancelot's name is not mentioned. Hence the enigmatic periphrasis "qui l'aunera," instead of the usual announcement of the knight's name. Clearly, Hugh Primas did not take the phrase from Chrétien's text, which was composed about a quarter century later, and nothing is known about heraldic poetry in France before Chrétien which could attest to an earlier use of the phrase. It may be, however, that the phrase "Or est venuz . . ." may echo a procedure familiar at tournaments, where a herald usually announced the winning knight's name and his famous exploits. It is certain that minstrels, heralds, and knights were present at the tournaments, which had drawn the condemnation of the Church as early as 1130.⁵³

The litany of the bishop's private and public vices banishes any hopes that the ironically heralded hero might turn out to be a saviour of some kind; he is merely a monk, a victor in the episcopal lists. Even though the phrase cannot be tied to a specific source, the parallel in Chrétien's text provides a flavour of the vernacular possibilities to be exploited.

Another vernacular phrase redolent of oral literature is introduced by the same adverb but is of a different order:

Ore uerrez uenir milia milium (v. 32).

Later in *Le chevalier de la charette* (vv. 5963–64) the herald repeats his cry and predicts what the unnamed hero will achieve:

Or est venuz qui l'aunera!
Hui mes verroiz que il fera.

The combination of an adverb of time with the future tense of the verb *veoir* suggests that Hugh Primas was familiar with certain epic formulas found in the verse of his native secular literature. The phrase "Ore uerrez" marks it as a device from oral poetry embedded in a written text, and it refers to the stereotypical motifs of a particular kind of text, the *chansons de geste*, where phrases like "La veïssiez" often introduced descriptions of battles.⁵⁴ But in Hugh Primas's poem the ensuing melee involves the un-

⁵³ See Franco Cardini, "The Warrior and the Knight," in Jacques Le Goff, ed., *Medieval Callings*, trans. Lydia G. Cochrane (Chicago, 1990), 97; John W. Baldwin, "Jean Renart et le tournoi de Saint-Trond: Une conjonction de l'histoire et de la littérature," *Annales ESC* 45 (1990): 579.

⁵⁴ On the formula "La veïssiez," see Jean Rychner, *La chanson de geste: Essai sur l'art épique des jongleurs* (Geneva/Lille, 1955), 129, 151–53; on Hugh Primas 16.32, see Witke, *Latin Satire*, 217.

seemly rush of the bishop's relatives and nephews, as they scramble for positions of preferment in the new administration.⁵⁵

The narrator deploys French most clearly in a chivalric context to describe an incident that is presented as the crowning evidence for the bishop of Beauvais's depravity. It forms part of a short episode that capitalizes upon various meanings of the verb *adouer*, a word widely associated with knights in twelfth-century life and literature:⁵⁶

Si poscat rabies lacui capitis
Et presto sit puer, filius militis,
Que il deit adouer pro suis meritis,
Qui uirgam suscitet mollibus digitis
Plus menu que moltun hurte des genitis (vv. 49–53).

Here the bishop is pictured as driven by lust to rape a young man in his service, a knight's son. Although the general meaning of the passage is clear, the interpretation of specific details presents difficulties. Interpretation depends on the meaning and nuance of certain key terms and the one offered here is shaped by the signs of chivalry elsewhere in the poem.

The word *puer* occurs in contemporary French documents to refer to the sons of the nobility. It described a person who was no longer a boy, but one who ranged in age from fifteen and up, the age after which most young men became knights. Georges Duby, for example, has noted that in the *familia* of Hugh of Chester there were *pueri* serving their apprenticeship, all young men who received the sacrament of chivalry.⁵⁷ To the word in the poem is attached a gloss, *filius militis*, meaning that the *puer* was a knight's son. The nobility sometimes entrusted to cathedrals the rearing and education of their sons, especially the younger ones who stood to inherit very little. Perhaps we are to imagine here a young man whose religious

⁵⁵ The allusion to Revelations 5.11–12 in vv. 32–34 is carried by “milia milium . . . dicencium.” But gathered around the seat of power are heard, not the voices of angels and elders, but the bishop's relatives! The serious tone cued by “dicencium” is undercut by simple and prosaic French words. Witke, *Latin Satire*, 217, detects in the vernacular here “attempts at realism.” On the *chansons de geste* and their treatment of the heroic traditions of a particular individual or of his family, see Zumthor, *Essai de poétique médiévale*, 455–66. For the role of nephews in the narrative poetry of the *chansons de geste*, see Reto R. Bezzola, “Les neveux,” in *Mélanges de langue et de littérature du moyen âge et de la Renaissance offerts à Jean Frappier*, 2 vols. (Geneva, 1970), 1:89–114.

⁵⁶ On the motif of dubbing in the *chansons de geste*, see Rychner, *La chanson de geste*, 128. Thomas Bein, “Orpheus als Sodomit: Beobachtungen zu einer mhd. Sangspruchstrophe mit (literar)historischen Excursen zur Homosexualität im hohen Mittelalter,” *Zeitschrift für deutsche Philologie* 109 (1990): 43, includes these lines (16.49–53) in his brief survey of the thematization of homosexuality in medieval Latin poetry.

⁵⁷ Duby, *Chivalrous Society*, 115.

education had been entrusted to the bishop, or who had been sent to be taught to read and understand some Latin at a school attached to a collegiate church, where the bishop may have encountered him, perhaps in his diocesan travels.⁵⁸

In its most frequent usage, *adouer* meant to equip a warrior who was already a knight, but the verb could also imply a rite of passage, an event that furnished arms and material to a man who had not for various reasons attained the status of a true warrior.⁵⁹ The proximity of the term *puer*, the son of a knightly or military father,⁶⁰ to “adober” could suggest that the young man had not yet entered the profession because of his age and that he was about to be admitted to it. On this reading, the verb *adouer* could have a colouring associated with the ceremony, when the initiate received a sword and the *cingulum militiae*, the arms of his trade. This sense of the verb, however, is weakly attested in the twelfth-century *chansons de geste* before 1180.⁶¹ Some direction is provided by the phrase “pro suis meritis,” placed after “adober.” In the *Siège de Barbastre* a princess promises to dub her retainer as a reward for bringing her good news about a knight she loves. In this case dubbing serves as a recompense for services rendered:

Vos m'avez bien servi; si avroiz guerredon.⁶²

To this point in Hugh Primas's tale it could appear that the bishop was about to reward a young man in some way. But the tone in “laciui” (v. 49) is sounded again in a verse that is filled with *double-entendres*:

. . . uirgam suscitet mollibus digitis (v. 52).

Every word carries a sexual dimension.⁶³ The finale (v. 53), delivered in French words of frank realism, describes the bishop's rape of the boy and

⁵⁸ See Georges Duby, “The Culture of the Knightly Class: Audience and Patronage,” in *Renaissance and Renewal in the Twelfth Century*, ed. Robert L. Benson and Giles Constable with Carol D. Lanham (Cambridge, Mass., 1982), 260.

⁵⁹ See Jean Flori, “Sémantique et société médiévale: Le verbe *adouer* et son évolution au XII^e siècle,” *Annales ESC* 31 (1976): 921–24; Tobler-Lommatsch, *Altfranzösisches Wörterbuch* 1:146–47, s.v. *adouer*; Godefroy, *Dictionnaire* 1:110, s.v. *adouer*. Chênerie, *Le chevalier errant*, 39–40, categorizes the senses in which the word occurs in Chrétien's romances; his heroes were dubbed between the ages of 15 and 24 years.

⁶⁰ Flori, “La notion de chevalerie,” 220, discusses the four principal senses of *miles*.

⁶¹ See Flori, “Sémantique,” 924.

⁶² *Siège de Barbastre*, v. 1600; noted by Flori, “Sémantique,” 927.

⁶³ J. N. Adams, *The Latin Sexual Vocabulary* (London, 1982), 14–15, notes that in medieval Latin writers *uirga* was a common term for penis. See Pierre Payer, *Sex and the Penitentials: The Development of a Sexual Code 550–1150* (Toronto, 1984), 40–41, on the association of *mollis* with masturbation and homosexuals; and 153 for *uirga* in the sense of penis in the *Decretum* of Bouchard of Worms.

dispels any expected dénouement of chivalric *noblesse oblige*. Since part of the knightly ritual entailed striking a blow on the youth's face or neck, the verb *adoubier* included the secondary meaning "to thrash, to beat." In this sense, the scene would have initially suggested that the bishop was duty bound to discipline a young nobleman in his service for some infraction, a sense that "meritis" can bear (v. 51). The skilful use of ambiguous language holds the matter in suspension until the final words "des genitis" (v. 53) spring the surprise. The vernacular words *moltun* and *hurter*, with their military connotations, operate effectively in a scene that plays against a warrior culture.⁶⁴ The entire vignette constructs in miniature a travesty of a ritual central to chivalric culture, and the poet's mother tongue carries the emotion that serves to question and discredit the discourse of the official establishment.

The transition to the second half of the poem the narrator effects by contrasting the mad conduct of the people of Beauvais to the sane counsel of the clergy of Sens. Since Sens had elected an indigenous son as archbishop, schism and dissension had been avoided. The narrator's promised eulogy to repay the archbishop's counsellor for his generosity is postponed by a series of asides, in which the poet constructs a leading role for himself, as he reflects on the composition of his eulogy.

The first of these describes the poet's sojourn in Sens, and its interest lies in the fact that it appears to use a formal feature that indicates knowledge of the *pastourelle*,⁶⁵ a French genre that was connected in significant ways with *chevalerie*. Though the connection with this genre, which appears fully developed only at the end of the twelfth century, cannot be proved, it is worth suggesting that the passage may reveal indirectly a stage in the evolution of features which later became conventional and genre specific.

⁶⁴ Godefroy, *Dictionnaire* 5:431, s.v. *mouton*, cites "Les murs hurtent od lur multuns" for the sense of a battering ram; see also Tobler-Lommatzsch, *Altfranzösisches Wörterbuch* 6:373. For *hurter* used of *coitus*, see Tobler-Lommatzsch, *Altfranzösisches Wörterbuch* 4:1239. The realistic vocabulary probably reflects the licence of speech adopted by knights in their attitude to sexual contact; see Zumthor, *Essai de poétique médiévale*, 469, 472: "... ce monde rude et trop purement viril du XII^e siècle" (472). On the rude language directed at women by knights in the *chansons de geste*, see Flori, "La notion de chevalerie," 427.

⁶⁵ See Witke, *Latin Satire*, 219. For an analysis of the motifs of the *pastourelle*, see Zumthor, *Langue*, 145–50; and *Essai de poétique médiévale*, 302–4; he remarks of the *pastourelle*, "Le sujet *je* est en général référé au terme *chevalier*" (ibid., 302); cf. 446; on 304 Zumthor notes that alterations could be made to the *pastourelle*; he cites the *je* that refers to the shepherdess and gives examples of role reversal in the genre. William D. Paden, "Rape in the Pastourelle," *Romanic Review* 80 (1989): 333 n. 7, notes that no French *pastourelles* are extant before ca. 1185, so that it is not known when this type of poem acquired generic expectations.

Poems of this type recounted in a first-person narrative a simple story. It began with a vague reference to time, usually signalled by *l'autrier*, and to setting. Although the place of the encounter is not always specified, it is occasionally localized, as in the following examples:

L'atrier de coste a Canbrai
juweir m'an aloie;⁶⁶

De saint Quatin a Cambrai
chevalchoie l'autre jour.⁶⁷

The season is usually spring, often the month of May, as in

L'autrier a doulz mois de mai.⁶⁸

The formulaic expressions seem to be telescoped with slight variations in Hugh Primas's verse:

Je fui l'altrier a Senz entor l'acensium (v. 86).

While temporal signs such as *l'altrier* also occur in French lyric, it is the compression of all three motifs in a single verse that draws attention: the time indicator of *l'altrier*, the designation of a specific locale, and the allusion to spring, here marked, no doubt out of deference to the Church establishment, by the festival of Ascensiontide, a feast that connects it also with romance literature.⁶⁹ These phrases are accompanied by a motif, characteristic of, although not exclusive to, the *pastourelle*, which involved the assertion that the person encountered is one whose equal has never before been encountered, generally introduced by the formula "onques . . . ne," as in the following:

Je me levai ier matin;
de Langres chivachoie a Bair,
trestout deduxant mon chemin.
Jantil pastorolle trovai,
onkes plus belle n'acointai.⁷⁰

⁶⁶ Jean-Claude Rivière, *Pastourelles*, 3 vols. (Geneva, 1974–76), 2:99 (no. 52). Sayce, *Plurilingualism in the Carmina Burana*, 83–85, provides a schematic account of the *pastourelle*, and at 85 n. 25 she assembles examples of the *pastourelle*'s incipit, which combined the season, time of day, and setting. She observes that no Latin poem in the *Carmina Burana* contains the most common type of the vernacular introductory formula.

⁶⁷ Rivière, *Pastourelles* 2:19 (no. 34).

⁶⁸ Ibid. 2:33 (no. 37).

⁶⁹ For references to the feast of Ascension in Chrétien de Troyes, see *Le chevalier de la charette* 30–31: "Et dit qu'a une Accenssion / Li rois . . ."; see also *Le roman de Perceval ou Le Conte du Graal* 2940 (ed. William Roach, 2d ed. [Geneva, Paris, 1959]).

⁷⁰ Rivière, *Pastourelles* 1:162 (no. 30); see also Zumthor, *Langue*, 148, on the formulaic lexical elements of the *pastourelle* and variations on them.

Hugh Primas used the phrase to contrast his bad lodgings in Beauvais (v. 88), when he claims never before to have been better entertained than he had been in Sens.

If Hugh Primas knew of the developing genre of what came to be known as the *pastourelle*, his opening verse could provide one approach to reading the all too brief episode. He begins by seemingly introducing an adventure of a "knight errant" in a distant place, with cues to direct the audience's response to an incident that occurred during his stay in Sens. From this beginning the audience might have expected other elements that figured in the fundamental structure of these short tales.⁷¹

In the following verses (vv. 89–97) the poet recounts that as a guest in the house of a certain Reinalt in Sens he encountered two generous young men who presented him with gifts of clothing and shoes. Significantly, while he admits that they were both young and attractive, he is quick to deny that he had any sexual contact with either of them. He is, the poet tells us, far too old for such things! The denial of a sexual liaison in this context is notable in view of the centrality of sexual escapades in the *pastourelle*.

Was the poet directing the audience through the features of a possible proto-*pastourelle* to certain expectations? The *pastourelle*, even though it has been argued to be the product of a popular culture,⁷² is undoubtedly aristocratic in tone. The protagonists were usually a young nobleman and a shepherdess, who represented the opposite poles of the social spectrum. During the encounter the knight could offer a variety of gifts to win the woman's consent. In Hugh Primas's poem the gifts come from two men of aristocratic background, a fact revealed by the word used to describe his benefactors, *adolescentes* (v. 91), a term often used of young noblemen between the ages of fifteen to nineteen, who had not yet completed their military training and become knights. Their social rank is alluded to a second time when, in a reference to the physical attractiveness of the youths, the narrator notes that they were not hairy (*pilosi*, v. 93). In twelfth-century France young knights could be referred to as *imberbes*.⁷³

Hugh Primas met the young men in the house of a certain lord Reinalt (*seignor Reinalt*, v. 89), who may have been a relative of the family to whom had been entrusted the training of these future knights. The authors of courtly literature frequently portrayed the young men in training for

⁷¹ See Zumthor, *Essai de poétique médiévale*, 303: "La pastourelle . . . semble caractérisée, au-delà de sa formule initiale, par plus de rigueur dans le choix et l'enchaînement des motifs."

⁷² Giulio Cattin, *Music of the Middle Ages I*, trans. Steven Botteril (Cambridge, 1984), 133–34.

⁷³ Duby, *Chivalrous Society*, 112.

knighthood as physically beautiful.⁷⁴ A note of erotic tension is implied in a possible connection between the gifts and sex and is bridged by the word *servicium* (v. 90), qualified by *dulce*, an adjective found in amatory contexts. Words meaning "to serve" or "service" are attested in all periods of Latin as metaphors for sexual activity of both genders.⁷⁵ The implication of the word is made clearer when it is glossed in the poet's denial that the service was unchaste in any way:

In hoc servicio non fuit uicium (v. 96).

Another conventional feature of the *pastourelle*, the motif of the shepherdess's beauty, may account for the poet's remarks on the fresh appearance and agreeable nature of the young men (vv. 93–94). The notice about their smooth skin and the use of *murmur*, a word found in descriptions of the act of love in Latin poetry,⁷⁶ all contribute to the suggestion of an erotic context. The insinuation, so cleverly contrived, is once more dispelled only at the end.

In short, the incident in *Sens* seems to sketch a mock knightly dalliance, an episode in the life of one obliged to travel from one place to another in search of new sources of material support. He expected his clerical and lay public to understand the play with literary conventions and his modification of them points to a degree of sophisticated aesthetic concern. The audience has been misdirected to be put on the right path at the last moment. Although the narrator introduced the account of an interlude in *Sens* with a formula that later conventionally signalled a tale of adventure, he continues in an original vein. For he reconfigures not only the usual motifs but the roles of the characters. For example, the self-deprecating narrator, the hero of the adventure, receives, not offers, gifts, thereby marking himself as a social inferior vis-à-vis his aristocratic benefactors. In addition, the erotic theme hints at not heterosexual but homosexual intrigue and ends with an unexpected, if ironic, denial of sexual triumph. This latter disclaimer, based on the grounds of age, may have been a further source of amusement, because in chivalric poetry the concept of *joie*, which was partly erotic or sensual, was normally associated with youth.⁷⁷

This reading, though conjectural, provides a literary context which could decipher the significance of the gift horse the poet received from the arch-

⁷⁴ See Shulamith Shahar, *Childhood in the Middle Ages* (London, 1990), 27.

⁷⁵ See Adams, *Latin Sexual Vocabulary*, 163–64; for *dulcis* in this sense, see TLL 5.1:2192, lines 31–61.

⁷⁶ E.g., Ovid *Ars Am.* 2.723: "... accedet amabile murmur."

⁷⁷ See Cardini, "Warrior," 82.

deacon of Sens (vv. 98–106). The artful presentation of the episode should not disguise its exemplary function of underlining how important in this culture it was for the rich to provide for the poor. Generosity, as mentioned above, was indispensable in chivalric culture.

One of the archdeacon's functions was to advise the bishop on financial matters, and Hugh Primas wittily alludes to this duty by referring to himself in the third person and in the vernacular as *Primat* (v. 100), the French word for "primate," the chief archbishop of a kingdom.⁷⁸ The archdeacon, he tells us, had surpassed a previous act of charity, the gift of a cloak, possibly in exchange for a poem,⁷⁹ with an act of even greater largesse, a horse:

Auant m'aeuit done unum pellicium:
 Vn cheual me dona,⁸⁰ bonum cursorium,
 Pinguem et iuuenem, ambulatorium,
 Ne clop ne farcimos neque trotarium
 Equitem remisit meum mancipium (vv. 102–6).

The discussion of the verb *adouber* above noted that its basic meaning had to do with the equipping of a warrior knight. The knight sometimes needed equipment to be replaced, when he had lost it in combat or in bad social and economic times. In such circumstances, the knight was dubbed anew with arms and a horse, such as were conferred by Henry I on a number of young men he knighted.⁸¹ Since the verb *adouber* could also mean promotion to the rank of a knight,⁸² an implication of the gift horse could be that the narrator, who has so artistically defused any hostility the disparity in his social rank might arouse, finally recovers his knightly status, with

⁷⁸ Tobler-Lommatzsch, *Altfranzösisches Wörterbuch* 7:1855–56, s.v. *primat*.

⁷⁹ R. Howard Bloch, *The Scandal of the Fabliaux* (Chicago, 1986), 47–48, notes the "constant exchange of coats (tails?) for tales" as a visible sign of a poet's talent and social status at a time when textiles were an important commodity. In this light, the gift of a garment (*fustainne*, v. 153) to Hugh Primas at the end of the poem acquires added significance, as do his ironic poems (2, 12, 13B) on the substandard quality of cloaks foisted on him by other patrons. See Josef Becker, *Die Werke Liudprands von Cremona* (Hannover, 1915), 158, for the Greek emperor's gift of a cloak to Liudprand.

⁸⁰ Cf. Marie de France, *Milun* 455 (ed. Jean Rychner, *Les lais de Marie de France* [Paris, 1971]): "*Cheval e armes me dona*" (of an aunt who gifted the hero with the arms of his trade). For a story of a steward's suggestion to the bishop of Metz that he economize on a meal in exchange for the gift of a horse, see Becker, *Die Werke Liudprands von Cremona*, 37. For a statement in a troubadour poem that a lord might give a pack-horse to a minstrel, see stanza 8 of the poem in Simon Gaunt, "Sexual Difference and the Metaphor of Language in a Troubadour Poem," *The Modern Language Review* 83 (1988): 299. The point of v. 105 is that the horse had no defects: cf. the list concerning the sale of horses and slaves in *Lex Baiuvariorum* 16.9, MGH Legum Nationum Germanicarum 5.2 (Hannover, 1926), 437–38.

⁸¹ Keen, *Chivalry*, 66.

⁸² See Flori, "Sémantique," 925–26, for this sense of the verb.

which he had cloaked himself at the start of the adventure, by the only means he could, namely his literary art in casting himself in a part that played good-naturedly against the high social rank of his actual and his fictive audience. If Hugh Primas had owned a horse before, he had lost it somehow, and its absence marked him as a man of low socio-economic status.⁸³ The context in which the fact is framed is consistent with his disarming self-presentation as a poor knight fallen on hard times.⁸⁴ His social elevation is complete when he rides out of the city on horseback. On this reading, with the ironically extended description of the horse's qualities, the poet wittily rounds out the conceit of chivalric honour restored as he parades himself as no ordinary knight with a poor and tired old horse! Indeed, the adjective, *ambulatorium* (v. 104), recalls the image of the knight's travelling horse, such as is figured in a *pastourelle*, which begins,

L'autre jour je chevachoe
sor mon palefroit amblant.⁸⁵

Although the horse may ironically figure as a symbol of sexual power, given the poet's earlier protestations about declining sexual prowess in his old age, the final line brings together two words (*eques* and *mancipium*) that refer to opposing ends of the social scale, and it summarizes the essence of an episode that refers to a historical reality in which members of disadvantaged groups constantly strove to rise in the class system by acquiring the title of knight.⁸⁶

III

There can be no certainty about all the reasons for the presence of a second linguistic register scattered throughout the poem, but the poet surely counted on his audience sharing the cultural values he advocated in order to appreciate his ironic commentary on the sorry state of the church in Beauvais. For the bilingual composition of a *pastourelle* there were precedents, though the structure of the extant models are architectonic, patterned on a regular sequence of French and Latin. They do, however, share with Hugh

⁸³ Flori, "Aristocratie," 58; on the concept of the "poor knight," see Cardini, "Warrior," 83. R. Howard Bloch, "New Philology and Old French," *Speculum* 65 (1990): 48-49, writes of Lanval as a neglected and forgotten knight, who does not share in the war booty.

⁸⁴ The narrator's statement at v. 123 ("Certus sum de dono prandii uel cene") can be read in the same way. Largesse of the table was dispensed by nobles to poor knights who had lodgings in town; see Flori, "Aristocratie," 60-61.

⁸⁵ Rivière, *Pastourelles* 1:75 (no. 1).

⁸⁶ See Cardini, "Warrior," 92.

Primas's poem elements that parody the sacred, through quotations from hymns and liturgical passages.⁸⁷ Upon this ensemble of vernacular elements, the poet has worked a distinctive "jeu de contrastes" with the more formal elements of the Latin, blending them to his own ironic purpose of mockery and praise.⁸⁸

The introduction of French into the Latin poem passes without comment. The admixture of the two languages to embellish his personal experiences reflects the commerce, linguistic and otherwise, between two classes in French society at this time. Many medieval Latin poems developed the contrasts between the worlds inhabited by the knight and the cleric. Hugh Primas wrote about a clerical culture, in which lay nobles and knights were a presence, and the blunt and direct tone of the French acknowledges their existence. He addresses and converses with members of this class in their own idiom.

The absence of an apology of any sort, even a conventional one, in the preface or in the body of the poem about introducing the vernacular suggests confidence. Nowhere does the poet suggest that the languages were unintelligible to his audience. In practice, the vernacular is not used to paraphrase or gloss the Latin. By creating a hybrid poem, without explicit comment on the relative status of the languages, he goes beyond the polarized debate that figures in the pages of Walter Map's *De nugis curialium*.⁸⁹ Alongside the Latin of the classical writers and the Vulgate is heard the idiom of vernacular literature in the formulaic combination of "L'abé o le prior" (v. 8) and in the phrase "Il me fesist grant bien" (v. 141).⁹⁰ In other places

⁸⁷ For examples of bilingual *pastourelles* that postdate Hugh Primas's poem, see E. Järnström and Arthur Långfors, *Recueil de chansons pieuses du XIII^e siècle II* (Helsinki, 1927), 168–73, no. 127; Lucia Fontanella, "Un nuovo testimone d'una pastorella franco-latina," *Romania* 101 (1980): 391–98, edits a *pastourelle* in which the stanzas have the structure *ababababa* of alternating French and Latin.

⁸⁸ See Zumthor, *Langue*, 110.

⁸⁹ See M. T. Clanchy, *From Memory to Written Record: England, 1066–1307* (Cambridge, Mass., 1979), 157–58. Rita Copeland, *Rhetoric, Hermeneutics, and Translation in the Middle Ages* (Cambridge, 1991), 99, notes the differences between Latin and the vernacular in terms of a hierarchy of prestige in Notker the German, who posits a clear divide between the two regarding intellectual status and literary propriety.

⁹⁰ Cf. the examples quoted in Tobler-Lommatzsch, *Altfranzösisches Wörterbuch* 7:1873–74, s.v. *prior*: "li rois . . . Les abez et les priëus . . . , *Guil. d'A.* 176"; "... Contes e abez e priors, Barons e riches vavasors . . . , *Rou* III. 5367." The combination occurs in Latin: see H. Boehmer, *Carmina in simoniam*, MGH Libelli de lite 3 (Hannover, 1897), 697: "Simon facit hunc primatem, / Hunc priorem, hunc abbatem" (cf. the similar structure and language of Hugh Primas 16.35: "Dunt fait cestui canoine, hunc thesaurarium"). On v. 141, cf. Marie de France, *Le Lai de Lanval* 212 (ed. Jean Rychner [Geneva/Paris, 1958]): "Lanval faiseit les granz honurs!" (of a noble paying out to demonstrate his aristocratic virtue).

the narrator recreates the tones of spontaneous speech (vv. 132–33). Hugh Primas counted on his audience to have heard minstrels telling their vernacular stories, and the assumptions implicit in the form of his poem supply indirect evidence of the increasing interaction of clerics with nobles in the life of the courts. The presence of clerics lead to some courtiers becoming literate in Latin, while others may have acquired book knowledge through oral means, when books were read aloud, glossed, and explained.⁹¹ Both social groups are included in the bilingual appeal, prefaced with an apostrophe, that incorporates a liturgical formula:

Seignors, ker li preiez propter Nazarenum,
Quod ipse dignetur prestare auenam et fenum (vv. 143–44).⁹²

Further, the request for largesse from secular lords (*Seignors*) is pointedly supported with an appeal to the One Lord (*Nazarenus* = *Le Seigneur*). Hugh Primas emphasizes the point in a concluding comment (vv. 147–54) on the generosity of an Englishman. While his calculated appearance at this point may have been a goad to continental French pride, the comments attributed to him point to the transnational character of the value of hospitality as an obligation of the nobility.⁹³

⁹¹ See Vitz, "Chrétien de Troyes," 30–31; Joseph J. Duggan, "Performance and Transmission: Aural and Ocular Reception in the Twelfth- and Thirteenth-Century Vernacular Literature of France," *Romance Philology* 43 (1989–90): 52, 56, suggests that courtly romance could have entered the world of vocal performance through illiterate jongleurs, who had been in social situations where they had heard texts read aloud; on 56 he cites as an example Chrétien's *Le chevalier au lion* (*Yvain*), vv. 5356–71 (ed. M. Roques, 1959).

⁹² Roos, "Zu dem Oxforder Gedicht," 253, noted a hymn for Vespers as the liturgical source for the allusion (on liturgical compositions as a genre with an outstanding history at Sens, see Lobrichon, "Moines et clercs," 283). Hugh Primas adapts liturgical formulas to his own material needs in vv. 143–44. The concluding prayer is similarly modified to wish for a never-ending provision of material goods (vv. 155–56) and so placed that "cui" refers equally well to the metropolitan Hugh of Toucy and the English lord Richard, whose generous act Hugh Primas shrewdly placed as a coda to stimulate others in the audience to give:

cui sit gloria et gratia et copia
omnium bonorum per secula seculorum.

Cf. the more conventional formula with which Wace closes his *Vie de Saint Nicolas*: "Cui secula per omnia / est honor, virtus, gloria"; cf. also Gregory, *Hom. in Ezech.* 2.7.20 (CCL 142:334, ll. 666–67): "Cui est honor et gloria in saecula saeculorum." See also W.-W. Ehlers, "Zum 16. Gedicht des Hugo von Orléans," *Mittelateinisches Jahrbuch* 12 (1977): 80–81.

⁹³ Yves Lefèvre, "De l'usage du français en Grande Bretagne à la fin du XII^e siècle," in *Études de langue et de littérature du moyen âge offertes à Félix Lecoy* (Paris, 1973), 301–5, draws attention to Gerald of Wales's account of John Blund, ca. 1185, who spoke fluent French without ever having gone to France. Whether the Richard given honorific mention by Hugh Primas at v. 147 had come to learn continental French (cf. Ian Short, "On Bilingualism in Anglo-Norman England," *Romance Philology* 33 [1979–80]: 472) or was a permanent resident in Sens is not made clear.

No less important than the composition of the poem's actual audience is the role of the fictive audience that is made part of the poem's structure. Through the use of first-person direct speech, the narrator writes as if he were speaking, an impression reinforced by apostrophes to his audience and by responding to interventions from it (vv. 65–68; 125–36). In the latter episode, the challenge to the poet's abilities issued by a member of the fictive audience ("unus de turba," v. 125) adds to the dramatic interest of the first-person narrative. But the interjection is merely one more signpost that directs the interest of the readers and audience of the poem again to the central issue for the poet, whether the poet's eulogy will be rewarded or not.⁹⁴

In the hypothesis that Hugh Primas chose the conceit of using the voice of a "poor knight" to narrate the ironic tale of his adventures lies one approach to solving some of the problems raised by this occasional poem. Critics have been troubled by the poem's structure, which has seemed diffuse and lacking formal unity. Witke, for example, found the poem's contents "as formless and as fluid as the medium"⁹⁵ and the narration as chaotic.⁹⁶ Yet the contrasting halves of the poem are united by the poet's appropriation of a poor knight's moral, social, and economic concerns to suit his own artistic and material purposes. Preoccupation with economic relations lead the poet to offer two perspectives on the system.

The first is an exposé, a verbal declaration of war on the leader of a society dominated by self-interest, jealousy, greed, nepotism, cruelty, and ingratitude. The second presents an idealized picture of Senonais society and its leaders, both lay and ecclesiastical, who are characterized by openness and a generosity that proffers material assistance to the poor, and who are made to acknowledge explicitly the obligation of redistributing wealth in a spirit of mutual respect. The subtext of the entire poem reinforces the central importance of reciprocal generosity in feudal society. The eulogy of the archbishop (vv. 107–46), prefaced with an invocation to the Muses

⁹⁴ Jackson, *Interpretation*, 6. On the matter of "oral residue" in written texts, see Fleischman, "Philology, Linguistics, and the Discourse," 21 and n. 5. Here the connection between the composition of poetry (vv. 127–30) and material rewards ("due mine plene," v. 131) is explicitly made, but it inheres in the language in the invocations to the Muses, to convey material as well as artistic concerns. In v. 109 ("Nostra Calliope, nunc michi subueni") the verb petitions the Muse to supply ideas to the poet's mind (cf. P. G. W. Glare, *Oxford Latin Dictionary* [Oxford, 1983], s.v. *subuenio* 3), but is also a cry for aid (s.v. *subuenio* 2). Similarly in v. 114 ("Opem ferte michi, Clio, Melpomene!") *ops* means not only "ability, power" (TLL 9.2:805, line 38) but also "financial resources" (TLL 9.2:806, line 45). In this and in other ways (e.g., vv. 115–16) Hugh Primas thematizes the social reality of the poet's dependence on his art as a means of seeking a livelihood from private patrons.

⁹⁵ Witke, *Latin Satire*, 215.

⁹⁶ *Ibid.*, 220, 223.

based on the concept of *translatio studii* and calculated to flatter the high culture of his French-speaking patron, constitutes the proper response in a system that demanded a clear expression of gratitude in recognition of a gift received. Its reflexive and dramatic tone, which calls attention throughout to its own process of composition, may be admired for its artistry,⁹⁷ but cannot conceal the fact that the poem is a return gift, a tribute in repayment of gifts courteously received.

The poor knight, defined by his rejection of personal wealth and hopes for adventures in exotic lands, accepted the reformed Church's advocacy of austerity. He used his secular warrior status to defend and advance the interests of the Church, a mission that the narrator announced at the outset. The opening verses proclaim outrage about acts of injustice and the distress visited, not upon himself, as has been occasionally suggested,⁹⁸ but upon the Church ("cernens ecclesie triste supplicium," v. 4) and its clergy. The centrality of the Church and its leadership recurs later with repeated references to *mater ecclesia* (vv. 61–62). It is against the background of the reformed Church's asceticism that Hugh Primas's denunciation of the bishop of Beauvais's excesses must also be set. From this perspective it reaches beyond the conventional nature of most antimonic invectives.

In searching for an occasion on which this poem could have been delivered, the paean to the archbishop may provide a clue. Poems were often composed to celebrate the selection and enthronement of a bishop and were usually

⁹⁷ The framework and episodic structure of the poem's finale (vv. 107–56) may owe something to the liturgical practice of interpolating the *Gloria* with tropes, called *laudes*; compare the opening and conclusion of one such text ("sit tibi laus trina, summe Deus: Laudamus te . . . cui per eon demus omne melos cum sancto spiritu," cited in Léon Gautier, *Histoire de la poésie liturgique au moyen âge: Les tropes* [Paris, 1886], 257 n. 1) with Hugh Primas, "Nunc laudem dicamus precelso . . ." (v. 107); "cui sit gloria . . ." (v. 155). Gautier, *Histoire*, 253–54, remarks that the intercalated tropes, performed with great gravity, captured the attention of the people and clerics and that they were a feature of the *Gloria* on great feast days. In drawing upon the sacred and profane literary traditions Hugh Primas put his own stamp on the practice. Thus the first invocation plays off the hymnic tradition, since the opening ("laudem dicamus precelso . . ." v. 107) would have aroused expectations of praising God (cf. *Laudes dicam altissimo* [*Analecta Hymnica* 49:184]; *Laudes dicamus Domino* [19:106]), but "iuueni" reveals the object to be not God but man! While the poet's religious and secular literary heritage easily coexist, the weight given to the latter affirms the welcome accorded to secular culture at the archiepiscopal palace (with Hugh Primas's unapologetic invocation of the Muses, cf. Eupolemius, *Das Bibelgedichte* 1.5–11, ed. Karl Manitius, *MGH Quellen zur Geistesgeschichte des Mittelalters* 9 [Weimar, 1973], 29: "Non hic mihi Clio / Non mihi Calliapse . . . / Omnipotens . . . / . . . vires mihi suggere, laudem / Ut possim cantare tuam . . ."). The appeal to Jesus (v. 136) completes the chiasmus of four invocations that preface the brief *laudatio* proper of Hugh of Toucy (with 137–38 cf., e.g., the congeries in Venantius Fortunatus, *Carm.* 3.5.5 [of Bishop Felix], *MGH AA* 4:54).

⁹⁸ Karl Langosch, *Profile des lateinischen Mittelalters* (Darmstadt, 1967), 267–68.

penned by clerics attached to a bishop's court. Few examples of the genre have survived, and those that have owe their existence to the fact that they were associated with a famous prelate or written by a well-known poet.⁹⁹ This tendency may account for the transmission of Hugh Primas's bilingual poem, which has come down in one manuscript only.

The chronology of the poem precludes the possibility that it could have been written in 1142/43, the date of Hugh's accession to the see in Sens, but such was the occasion of an episcopal enthronement that its anniversary was observed. Schmidt has suggested that small celebrations were held on the bishop's fifth or tenth jubilee. Since the poem can be dated on internal grounds to around 1151, the poem may have been presented early in 1152, a decade after Hugh's entry into office, although subsequent occasions cannot be ruled out. On such anniversaries gifts were presented to the bishops and it is tempting to speculate that Primas's poem was offered to his patron in public acknowledgement of generous support, past and present. The literary gift drew upon two discourses, one to pay homage to the archbishop's Latin learning and education, the other, perhaps, to show the increasing pride of place accorded the French language in high ecclesiastical circles at Sens.

From its first editor to its most recent critic, the poem has consistently drawn comments on its artistic singularity. One aspect of its appeal undoubtedly lies in the linguistically hybrid text. When its vernacular component is mapped against the coordinates of the contemporary discourse of courtliness, a profile emerges of some of the values and assumptions that the poet and the audience shared. The artful dialogical process, which the poet constructs in an ironic attempt to control the immediate reception of the work, further clarifies them. Guided by these, we are able to redescribe the contents in a way that argues for the integrity of the narrator's perspective in a poem of great range.

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⁹⁹ On the genre, see Paul Gerhard Schmidt, "Jubel und Resignation: Amtjubiläen und Amtsniederlegungen von Bischöfen und Äbten in literarischen Texten des Mittelalters," *Historische Zeitschrift* 252 (1991): 541–57. Haijo J. Westra, "Literacy, Orality and Medieval Patronage: A Phenomenological Outline," *The Journal of Medieval Latin* 1 (1991): 52–59. points to the pivotal role patrons played in sponsoring Latin and vernacular literary activities.

THE PLAN OF ST. GALL: AN ARGUMENT FOR A 320-FOOT CHURCH PROTOTYPE

Calvin B. Kendall

THE parchment diagram of a plan of a Benedictine monastery known as the Plan of St. Gall (St. Gall, Stiftsbibliothek 1092 [plate 1]) has been in the possession of the abbey of St. Gall probably since the ninth century. It was drawn up sometime before 830.¹ Abbot Haito of Reichenau (806–23) had the Plan prepared and sent to Abbot Gozbert of St. Gall (816–36/37) who was engaged in preparations for rebuilding his abbey.²

The Plan indicates the layout of all the buildings appropriate to a Benedictine monastery. There are hundreds of Latin inscriptions. Most are in prose, but there are also five elegiac couplets and thirty-six hexameters.³ Inscriptions are used to label buildings, to clarify various internal details, to differentiate between upper and lower stories where the buildings are on two levels, and to indicate scale.

¹ Warren Sanderson, "The Plan of St. Gall Reconsidered," *Speculum* 60 (1985): 615–32 at 619, argues that the *titulus* identifying one altar as the Altar of St. Sebastian provides a *terminus post quem* of 826 for the inscriptions of the Plan, while the tendril motif in the monks' cemetery suggests a date of ca. 810 or earlier for the drawing: "As Iso Müller has pointed out, no relics of St. Sebastian were translated from Rome to north of the Alps until 826, and a relic was of course necessary if an altar was to be consecrated to the saint." From this Sanderson conjectures that the Plan was drawn up during Charlemagne's lifetime but that the inscriptions were added when it was about to be sent to Gozbert at St. Gall (pp. 621–22).

² Haito (or Heito) was also bishop of Basel from 803 to 823. He retired from both posts and lived on until 836. It is quite possible that Haito was the one who transmitted the Plan to Gozbert, but this is just conjecture. The association of the Plan with Reichenau seems certain.

³ Charles W. Jones identified four elegiac couplets ("On the entrance road, the cemetery cross, north and south of the cross, and between the columns of the church") and thirty-five hexameters; see Walter Horn and Ernest Born, *The Plan of Saint Gall: A Study of the Architecture and Economy of, and Life in a Paradigmatic Carolingian Monastery*, with contributions by Wolfgang Braunfels, Charles W. Jones, and A. Hunter Dupree, 3 vols. (Berkeley, 1979), 3:7 and nn. 58–59. (Since Horn was responsible for the text and Born for the architectural drawings, in subsequent references to this work I will refer to Horn as the author.) For some reason Jones overlooked the elegiac couplet in the Access Porch to the Guest House and the Outer School, and he did not consider the "Petrus caption" in the western apse to be a hexameter, although it certainly is.

It is not definitely known whether the Plan that Haito had prepared for Gozbert was an original conception. The purpose of the present article is to argue that the Plan is a copy based upon an earlier prototype depicting a 320-foot church with ten nave bays. When the copy was made the church was shortened by one nave bay, its stated overall length was reduced to 200 feet, and the stated length of the nave bays was reduced from 20 to 12 feet. Support for this hypothesis comes from certain anomalies in the inscriptions and in the drawing of the church and from evidence of experimentation found on the Plan in the design of the west end of the church complex.

The dimensional inconsistencies of the Plan

A puzzle has intrigued and divided scholars since the Plan first began to be seriously studied in the nineteenth century: the five inscriptions that indicate scale are not consistent with each other or with the Plan as it is drawn.⁴ Three of the inscriptions are in prose; two are in verse.

The three prose inscriptions state (1) that the length of the church from east to west is 200 feet,⁵ (2) that the width of the nave is 40 feet,⁶ and (3) that the width of the aisles is 20 feet.⁷ The two verse inscriptions that involve scale have to do with the placement of columns. One of them is an elegiac couplet (4) laid out in the church between the piers on either side of the nave. This directs the user of the Plan to set the piers at 12-foot intervals.⁸ The other is a hexameter (5) in the parvis, or enclosed courtyard,

⁴ See Walter Boeckelmann, "Der Widerspruch im St.-Galler Klosterplan," *Zeitschrift für schweizerische Archäologie und Kunstgeschichte* 16 (1956): 125–34; Thomas Puttfarken, "Ein neuer Vorschlag zum St. Galler Klosterplan: Die originalen Maßinschriften," *Frühmittelalterliche Studien* 2 (1968): 78–95.

⁵ "AB ORIENTE IN OCCIDENTE(m) LONGII(udo) PED(um) CC" (Horn, *Plan of St. Gall* 3:24–25). Abbreviated letters and syllables are expanded in lowercase letters within parentheses. This inscription is in rustic capitals. Horn is right in rejecting Adolf Reinle's proposal that the inscription should be expanded to read "Ab oriente in occidentem longitudine peda ducenties," meaning "Von Ost nach West miss der Länge nach zweihundertmal" (that is, the scale is 1:200); see Adolf Reinle, "Neue Gedanken zum St. Galler Klosterplan," *Zeitschrift für schweizerische Archäologie und Kunstgeschichte* 23 (1963–64): 91–109 at 97–98, and Horn's rebuttal in Walter Horn and Ernest Born, "The 'Dimensional Inconsistencies' of the Plan of Saint Gall and the Problem of the Scale of the Plan," *The Art Bulletin* 48 (1966): 285–308 at 285–88. See also Horn, *Plan of St. Gall* 1:77–87, esp. 81–83.

⁶ "Latitudo interioris te(m)pli pedu(m) xl" (Horn, *Plan of St. Gall* 3:23).

⁷ "Latitudo utriusq(ue) porticus pedum xx" (ibid.).

⁸ "Bis senos metire pedes interque columnas / Ordine quas isto constituisse decet" (ibid. 3:24–25). The first verse is laid out between the piers on the south side of the nave; the second between the piers on the north side of the nave.

surrounding the western apse. This has been interpreted as a verse directing the user to set the columns in the parvis at 10-foot intervals.⁹ I propose to review the implication of each of these inscriptions more specifically.

(1) The inscription that gives the length of the church as 200 feet (the "church-length scale") begins in the eastern apse and extends up to, but not into, the western apse. It is therefore inherently ambiguous. If it means that the length of the church from apse to apse is 200 feet, then the length of the church from the eastern apse to the end of the nave is approximately 182 feet, and on the same scale the width of the nave would be about 26 feet.¹⁰ Conversely, if it means that the length of the church from the eastern apse to the end of the nave is 200 feet,¹¹ then the length from apse to apse is just about 220 feet, and the width of the nave would be about 29 feet.

(2) If we take the stated width of the nave from center to center of the nave piers as a unit of measure (the "nave-width scale"), and if we measure the distance from apse to apse, the length of the church proves to be approximately 303 feet.¹²

(3) There is a minor discrepancy between the stated width of the aisles (from the center of the nave piers to the wall line) and the width of the nave. Though the aisles are said to be 20 feet wide, the average width of the south aisle measures approximately 23 feet on the nave-width scale. The north aisle is nearly 23 feet wide at the each end but bows in toward the middle so that at the third pier from the west the width is exactly half the nave width or 20 feet.¹³ If we take an average figure for the width of

⁹ "Has interque pedes denos moderare columnas" (ibid. 3:18–19). I discuss the translation of this verse below.

¹⁰ All my measurements are taken with dividers and a millimeter rule from the facsimile of the Plan, *Der karolingische Klosterplan von St. Gallen: Facsimile-Wiedergabe in acht Farben* (Saint Gall, 1952). According to Reinle, "Neue Gedanken," 99 n. 12a, the facsimile is reduced in length and breadth by about 1/170 from the Plan itself. So (his example), the length of the church from apse to apse, which measures 507 mm. on the facsimile, is actually 510 mm. I have not attempted to reconcile my figures with those of Horn or other commentators. What is significant is not the absolute values (which in any case have been reduced on the Plan over the centuries by shrinkage) but the relative values that one can derive from them.

¹¹ The length of the church without the western apse is 461 mm.

¹² The width of the nave and crossing square varies from about 66 mm. to 67 mm. When using the nave-width scale to measure other parts of the church, I will assume the width of the nave to be 67 mm. and derive "feet" on that basis.

¹³ There are slight differences between the widths of the two aisles all along their length. The total width (nave + aisles) at the east end of the nave is 143.5 mm., which gives an average width of 22.84 feet for each aisle. At the west end the total width is 142.5 mm., which gives an average width of 22.54 feet for each aisle.

the aisle as a unit of measure equaling 20 feet (the "aisle-width scale"), we can calculate the length of the church from apse to apse as approximately 267 feet and the width of the nave as about 35 feet.¹⁴

(4) The distance between the piers on the Plan, which is manifestly half the width of the nave, is stated to be 12 feet (the "nave-pier scale"). This is another major inconsistency, because if we apply the nave-width scale, the piers should be 20 feet apart rather than 12. On the nave-pier scale, the length of the church would be 182 feet and the width of the nave would be 24 feet.¹⁵

(5) Few commentators have thought to ask whether the hexameter in the parvis (the "parvis-column scale") creates any problems.¹⁶ The general assumption seems to be that it is consistent with the nave-width scale of 40 feet. But if we take the average distance between the columns as a unit of measure equaling 10 feet (following the standard interpretation of the hexameter), the length of the church from apse to apse comes to 220 feet and the width of the nave comes to 29 feet.¹⁷

In short, if the church-length scale of 200 feet applies to the church from apse to apse, then there is no agreement at all between any of the five inscriptions that indicate scale, and if it applies to the church from apse to nave, then only two of the five inscriptions are consistent: the church-length scale and the parvis-column scale (as interpreted above).

For ease of reference I set out these various discrepancies in Table 1.

Scale	Length: apse to apse	Width: nave
(1) "church-length" (200')		
(a) if apse-to-apse	200 feet	26 feet
(b) if apse-to-nave	220 feet	29 feet
(2) "nave-width" (40')	303 feet	40 feet
(3) "aisle-width" (20')	267 feet	35 feet
(4) "nave-pier" (12')	182 feet	24 feet
(5) "parvis-column" (10')	220 feet	29 feet

Table 1: Discrepancies of scale in the dimensions of the church

¹⁴ I use 38 mm. as an average figure for the width of the aisles.

¹⁵ The interval between the centers of the piers varies from 31 mm. to 35 mm. I calculate the average interval to be 33.42 mm.

¹⁶ One partial exception is Puttfarken, "Ein neuer Vorschlag," 81.

¹⁷ The average distance from center to center between the columns in the parvis is 23 mm.

Some proposed solutions

These various discrepancies led Robert Willis in 1848 to conclude that the Plan was drawn to no consistent scale.¹⁸ This common-sense view of the problem remains attractive and lies behind several modern attempts to accept the Plan at face value with all its apparent contradictions. For example, Hans Reinhardt has argued that the inscriptions provide us with actual dimensions for the proposed church, while the drawing of the church, constructed for convenience from a series of square modules, exaggerates its length with respect to its width and shows the crypt, which is meant to be directly under the main altar, on a flat plane behind it, adding further to the distortion of length. On this basis he is able to draw a 200-foot church with a 40-foot wide nave and 20-foot wide aisles, but with nave piers 12 feet apart.¹⁹

If the drawings of the church and the other buildings on the Plan (or its prototype) were meant to be merely schematic and no consistent scale was used in their construction, then any attempts to derive absolute or relative dimensions from them (apart from the inscriptions) would be misplaced. But it now appears likely that a uniform scale does underlie the Plan.

Among the significant advances that *The Plan of Saint Gall* by Walter Horn and Ernest Born²⁰ makes in our understanding of the Plan is Horn's

¹⁸ "... the plan has evidently no pretension to have been laid down to scale, for the church is said in the legends written upon it to be two hundred feet long and eighty feet broad, whereas if we attempt to make a scale by dividing the length into two hundred parts we shall find the breadth only fifty-six of such parts. Similar differences occur when such a scale is applied to the intercolumniations, which are said to be twelve feet in the nave and ten in the atrium. The plan must therefore be considered as a mere diagram" (Robert Willis, "Description of the Ancient Plan of the Monastery of St. Gall, in the Ninth Century," *The Archaeological Journal* 5 [1848]: 89). See also *ibid.*, 117.

¹⁹ Hans Reinhardt, "Comment interpréter le plan carolingien de Saint-Gall?" *Bulletin monumental* 96 (1937): 265-79. He repeats his proposal in *Der St. Galler Klosterplan* (St. Gall, 1952), 16-25.

²⁰ See above, note 3. Reviews and review articles by Stanley Abercrombie, in *The AIA [= American Institute of Architects] Journal* 69 (May 1980): 66-67; François Bucher, in *Journal of the Society of Architectural Historians* 40 (1981): 58-60; Eric C. Fernie, "The Plan of St Gall," in *The Burlington Magazine* 124 (1982): 97-99; Karlfried Froehlich, in *Theology Today* 38 (1981-82): 84-91; Bennett D. Hill, in *The American Historical Review* 86 (1981): 108-9; Werner Jacobsen, in *Kunstchronik* 35 (1982): 89-96; Spiro Kostof, in *The Art Bulletin* 63 (1981): 317-21; C. H. Lawrence, in *The Architectural Review* 170 (1981): 260; Bernard McGinn, "An Ideal Monastery of the Carolingian Era," in *History of Religions* 21 (1981-82): 102-4; Lawrence Nees, "The Plan of St. Gall and the Theory of the Program of Carolingian Art," in *Gesta* 25 (1986): 1-8; Carl Nordenfalk, in *Konsthistorisk Tidskrift* 51 (1982): 33-34; David Parsons, "Consistency and the St Gallen Plan: A Review Article," in *The Archaeological Journal* 138 (1981): 259-65; Warren Sanderson (see above, note 1);

demonstration that it was probably drawn to a uniform scale of 1/16 inch on the Plan to one foot on the ground—a scale of 1:192.²¹ On the basis of this scale, Horn proposes his theory that a 40-foot module (= the nave-width scale) was used to design the church and the other buildings and that a 160-foot “super” module was employed for the overall layout of the monastery. The most persuasive support for Horn’s theory is the human one. He is able to show in exhaustive detail that humans could function well in buildings and furnishing constructed at this scale—according to which the church measures approximately 7.5 modules in length, or 300 feet—but not at the reduced scale implied by a 200-foot church. He then suggests that after the original version was first drawn but before it was completed the scale was deliberately altered, as indicated in written notations on the Plan itself. As will become clear, I accept Horn’s hypothesis of a 1:192 scale and a 40-foot module, but not his assumption that the original version called for a 300-foot church.

Horn argues that the Plan of St. Gall was a copy of a plan for an ideal Benedictine monastery which was approved at the councils of Aachen in 816 and 817.²² This, in turn, was based on the grandiose imperial schemes of Charlemagne. When the plan was originally drawn up, it envisioned a 300-foot church. The original plan was scaled down during the councils to a more practical and supportable 200-foot church. Some, but not all, of the inscriptions were changed to reflect the new, more modest church which Louis the Pious and his bishops and abbots preferred.

Objections can be made to Horn’s hypothesis of a 300-foot church. Even if we leave aside the question whether there is sufficient evidence to infer the course of events outlined above, the hypothesis does not resolve the inconsistencies to the extent suggested by Horn’s own statement of the case:

Richard E. Sullivan, “*Schola Dominici Servitii*: Carolingian Style,” in *The Catholic Historical Review* 67 (1981): 421–32; J. M. Wallace-Hadrill, “The Ghost Goes West,” in *The New York Review of Books* 27, no. 17 (November 6, 1980): 46–48.

²¹ Horn, *Plan of St. Gall* 1:87–97. The argument was set forth in 1966 in Horn and Born, “The ‘Dimensional Inconsistencies’ of the Plan of Saint Gall,” 300–305.

²² Horn, *Plan of St. Gall* 1:20–25. Horn’s theory is based in part on the ideas of Alfons Dopsch, “Das Capitulare de Villis, die Brevium Exempla und der Bauplan von St. Gallen,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 13 (1916): 41–70 at 63–70, and of Boeckelmann, “Der Widerspruch,” 128–34. Bernhard Bischoff, “Die Entstehung des Sankt Galler Klosterplanes in paläographischer Sicht,” in his *Mittelalterliche Studien: Ausgewählte Aufsätze zur Schriftkunde und Literaturgeschichte*, vol. 1 (Stuttgart, 1966), 48, suggests that the Plan reflects a disagreement on the subject between abbots Haito and Gozbert. Sullivan, “*Schola Dominici Servitii*: Carolingian Style,” 428–30, argues that a case might be made for regarding Abbot Haito as the originator of the Plan.

From the preceding review it follows that *all* [my italics] of the so-called dimensional inconsistencies of the plan of Saint Gall are resolved if one assumes that the church, originally planned to be 300 feet long (with columnar interstices of 20 feet), was in a subsequent review reduced to 200 feet (with a concomitant reduction of its columnar interstices to 12 feet). The original concept is expressed in the drawing, the revisions in its explanatory titles (Nos. 1 and 5). The drawing itself was not revised.²³

Horn's phrasing is unfortunate in that it might lead an unwary reader to suppose that a *single* reduction in scale accounts for both the 200-foot church and the 12-foot intercolumniation in the nave. Two different reductions are of course involved (200 is $\frac{2}{3}$ of 300; 12 is $\frac{3}{5}$ of 20). Neither reduction does anything to resolve the discrepancy between the nave-width scale and the aisle-width scale, which Horn rightly, I think, has to consider as an accumulation of constructional errors in the drawing and copying of the church.

More importantly, Horn's proposed resolutions leave the parvis-column scale unaccounted for. A supposed interval of 10 feet between columns in the parvis does not agree well with Horn's proposed overall length of 300 feet and the stated nave width of 40 feet, or with the stated length of 200 feet, understood as apse-to-apse, or with the stated distance between nave piers of 12 feet. These facts are set out in Table 2.

Dimension of Church	Dimension Measured on Parvis-Column Scale
(1) church length, apse to apse	220.43 feet
(2) nave width	29.13 feet
(3) nave-pier interval	14.53 feet

Table 2: The parvis-column scale

Despite these difficulties, I believe that Horn's 40-foot module and the scale of 1:192 work so well that they are more compelling than the objections raised against them.²⁴ Furthermore, I believe they can do more to explain

²³ Horn and Born, "The 'Dimensional Inconsistencies' of the Plan of Saint Gall," 300. Horn's explanatory title no. 1 is the inscription putting the length of the church at 200 feet. His no. 5 is the inscription supposedly putting the distance between the piers in the western parvis at 10 feet. He does not explain what this has to do with the revision of the length to 200 feet. Possibly he meant explanatory title no. 4 instead of no. 5. No. 4 is the inscription which puts the distance between nave piers at 12 feet.

²⁴ Among the reviewers, Lawrence, p. 260, approves the 1:192 scale. Bucher, p. 60, is not persuaded that the determination of an actual scale is important: "The problem of actual scale, that is a predetermination of exact measurements through a precise multiplication

the discrepancies on the Plan—and to resolve them on the prototype—than Horn is quite able to realize with his proposed length of 300 feet for the church.

One potential objection to the 40-foot module can be answered fairly readily. It concerns the inscription (4) setting the distance between the nave piers at 12 feet and implying a nave width of 24 feet—a scale that is incompatible with the 40-foot module (see Table 1). Since this measurement for the distance between the nave piers is set by an elegiac couplet, it might be assumed that the strict requirements of the verse form would guarantee the preservation of the original figure if the verse were copied from an earlier version. One reason, after all, for putting numbers into verse was to prevent errors in copying. Yet, in this instance, the verse rendering could have been ingeniously changed to alter the figure. The first verse of the couplet is laid out between the piers on the south side of the nave; the second, between the piers on the north side. The couplet reads

Bis senos metire pedes interque columnas.

Ordine quas isto constituisse decet.

This can be translated as follows: “Measure twice six feet between the columns. It is fitting to set them up in this arrangement.” But if the author

of segments of the design, still seems irrelevant to me. . . . Among several thousand architectural drawings of the Middle Ages, only a few late examples contain indications of actual scale. By its very definition a tight modular approach renders a plan adaptable to a range of scales or varying foot measurements.” Jacobsen, pp. 93–94, objects to the scale because of the inconsistencies between the inscriptions and the drawing. Parsons, p. 260, seems to find the scale generally acceptable but objects to its being applied to the Plan “with an unswerving rigour,” because, among other absurdities, “when one realizes that if one abandons the approximations of the 40-ft module and its sub-modules of 20, 10, 5 and 2 1/2 feet, individual items emerge with different values. For example, if one assumes a true scale length for the bays of the church nave, which the captions give as 12 ft, the average measurements on the plan yields a scale of 1:108; applied to the beds, this gives a length of 5 ft!” I would have thought that the fact that the 1:192 scale generates a bed that one could sleep in, and that a 1:108 scale does not, would be an argument in favor of the 1:192 scale, rather than against it. (Parsons’s calculation of 5 feet is generous. The beds vary in length from about 10 mm. to 13 mm. On a scale of 1:108, this would mean a range of about 42.5 inches to 55.25 inches!) Fernie, who is severely critical of Horn’s theory of modular construction and who makes a case for dimensional units derived from the ratio of the side of a square to its diagonal (that is, the ratio of 1 to the square root of 2), appears to accept the scale of 1:192. At any rate, he acknowledges that “the 2 1/2-ft. units make sense within individual buildings throughout the design” (Eric Fernie, “The Proportions of the St. Gall Plan,” *The Art Bulletin* 60 [1978]: 583–89 at 583). Günter Noll, “The Origin of the So-Called Plan of St Gall,” *Journal of Medieval History* 8 (1982): 191–240, regards the 1:192 scale as “proved” (p. 221), although he goes on to attempt to reconcile all the dimensional inconsistencies of the inscriptions on the basis of a 200-foot church (from crossing square to west end of nave) with a 90-foot width from side aisle to side aisle (p. 235).

of the original verse had written "denos," instead of "senos," the first verse would mean, "Measure twice *ten* feet between the columns." The altered verse scans properly and makes perfect sense. A single letter makes the difference between a verse which would be consistent with the 40-foot module and one which is not.²⁵

Evidence for the hypothesis that the Plan is a copy in which the church has been altered

The assumption that the Plan does not accurately represent in all respects the intentions of its original designer requires almost of necessity that it be a copy. Horn's claim that the Plan is a freehand tracing of another plan which was constructed with straightedge and compass has to be modified in light of Norbert Stachura's important discovery of construction lines, prickings, and compass trials.²⁶ But these indications of trial-and-error methods on the part of the draftsman do not prove that the Plan as a whole is an original creation. They are consistent, in my judgment, with the hypothesis that the Plan is a copy in which the church has been altered.

In support of this hypothesis, we might first ask whether any of the other inscriptions that appear on the Plan show evidence of failing to correspond with the drawing.²⁷ There is indeed an inscription which might be copied in the wrong place on the Plan. The hexameter verse which is associated with the abbot's house is written as follows:

^b
Saepius In gyrum ductis sic cingitur aula,²⁸

²⁵ Horn notes that Erwin Panofsky, who assumed that an error of copying was involved, proposed this solution in an unpublished manuscript of 1930, and that the same solution was later advanced independently by Otto Doppelfeld in "Der alte Dom zu Köln und der Bauriss von St. Gallen," *Das Münster: Zeitschrift für christliche Kunst und Kunstwissenschaft* 2 (1948): 1–12 (I have not been able to consult this article); see Horn and Born, "The 'Dimensional Inconsistencies' of the Plan of Saint Gall," 292 and n. 50. Panofsky and Doppelfeld also observed that CCC could have been misread as CC. Boeckelmann, "Der Widerspruch," 128, considers it entirely improbable that a careful scribe could make two such significant "errors." He points out that the scribe took the trouble to write ·CC· (surrounding the number with two raised points) for security.

²⁶ Norbert Stachura, "Der Plan von St. Gallen—ein Original?" *Architectura: Journal of the History of Architecture* 8 (1978): 184–86; idem, "Der Plan von St. Gallen: Der Westabschluß der Klosterkirche und seine Varianten," *Architectura* 10 (1980): 33–37.

²⁷ The only inscription that is specifically appropriate to the Plan (besides the dedicatory letter to Gozbert) is the one which labels the altar of St. Gall.

²⁸ Horn, *Plan of Saint Gall* 3:49, inaccurately transcribes this verse; he gives it correctly (with *gyrum* transcribed as *girum*) at 1:321.

that is,

Saepibus in gyrum ductis sic cingitur aula.

[Thus the building is surrounded by fences drawn into a circle]

Horn takes this inscription to refer to the abbot's house, although it is actually in front of the abbot's kitchen, cellar, and bath house (plate 2a). Based on his practice elsewhere, we should expect the scribe to have placed it on both sides of the abbot's private entrance to the church, in order to connect it with the abbot's house.²⁹ The Plan does not show a fence on the east side of the abbot's house and kitchen. Unlike the external school which is completely enclosed and which is also provided with a verse referring to its fences³⁰ (the north wall or fence lies off the Plan but can easily be inferred), the abbot's house does not seem to have been shut off from the rest of the monastery. Thus it is strange that the hexameter insists *twice* that the house is *encircled* by fences ("in gyrum," "cingitur"). One wonders why the only thing the poet could think of to say about the abbot's house is something that is visibly contradicted by the drawing.

Is it possible when the Plan was copied that a verse alongside the church on the prototype was put on the wrong side of the fence, displacing in the process a verse intended for the abbot's house? In medieval Latin poetry *aula* usually means "church."³¹ And, in fact, the only building on the Plan

²⁹ I speak of one scribe for convenience; Bischoff, "Die Entstehung des Sankt Galler Klosterplanes," 41–49, shows that two scribes worked on the Plan—the distinguished Reichenau librarian Reginbert and a younger helper.

³⁰ "Haec quoque septa premunt discentis vota iuventae" (Horn, *Plan of St. Gall* 3:48).

³¹ For *aula* as a term for an abbot's house, see Horn, *Plan of Saint Gall* 1:311, fig. 252, and the two wall inscriptions (in verse) for Abbot Grimald's new house at St. Gall (ibid. 1:324). I would call particular attention to the verses, which were composed to be inscribed (probably) on the walls of the church of St. Mary that Abbot Haito built at Reichenau. The church is referred to both as *templum*, as is the church of the Plan of St. Gall, and as *aula* (*Tituli Augienses*, in MGH *Poetae Latini aevi Carolini* 2:425):

Quisquis ad haec sacri concurris culmina tecti,
Atque sub ingenti lustras dum singula templo,
Sint lacrimae rerum et mentem mortalia tangant.

...

At nunc aula potens divino plena sereno.
Quae disiecta solo rursus fundavit ab imo
Haito, completus divino nutu sacerdos,
Fecitque, ut libeat cunctos huc currere cives.

["Whoever thou art that comest under this sacred roof, while thou gazest at the rare beauty of the mighty temple, let there be tears for these things, and let mortal affairs lay hold on thy mind. . . . But now the mighty hall is filled with heavenly serenity, the hall, which, after it had fallen to the ground, Haito, the priest, full of divine inspiration, again built from the foundations, that all the citizens might here assemble" (translated by Arthur Kingsley

that might be said to be girdled ("cingitur") in a circle ("in gyrum") by fences is the church with its semicircular parvises enclosing the apses at each end. Only a handful of "double-ender" churches are known from this period. The eighth-century rebuilding of Saint-Denis involved an experiment with a western apse.³² Somewhat nearer at hand the important abbey church of Saint-Maurice d'Agaune in the canton of Vallais received a western apse ca. 787.³³ Fulda and the cathedral of Cologne were two others.³⁴ The poet might have deemed this conception of a church with an apse at each end to be of sufficient interest or novelty to be worthy of emphasis by a verse.

Another indication that the Plan is a copy will become apparent later in a discussion of the porches. I will suggest that the inscriptions which appear in the porches on both sides of the western parvis would be better suited to a church of a somewhat different design and therefore possibly to an earlier version.

A 320-foot church?

Horn's assumption that the intended length of the church was 7.5 40-foot modules has drawbacks. Even though the measured length of the church from apse to apse is very nearly 7.5 times the measured width of the nave, neither of the apses agrees at all well with the modular system. Of course, a theory of modular construction does not require that all parts be exact multiples or fractions of the module. As one reviewer of *The Plan of Saint Gall* wrote, "modular systems are *slavishly* followed only by minor architects."³⁵ To test the assumption that the designer of the prototype *intended*

Porter, *Medieval Architecture: Its Origins and Development*, 2 vols. [New York, 1909], 1:185 and n. 2).]

The emphasis here on making the church accessible to the people seems to me to be echoed in the elegiac couplet for the entrance road on the Plan of St. Gall (Horn, *Plan of St. Gall* 3:17):

OMNIBUS AD S(an)C(tu)M TURBIS PATET HAEC UIA TEMPLUM
 . QUO SUA UOTA FERANT UNDE HILARES REDEANT .

["This road to the holy church lies open to all the people, to which place they may bring their prayers and from which place they may joyfully return."]

³² See Summer McKnight Crosby, *The Royal Abbey of Saint-Denis from Its Beginnings to the Death of Suger, 475-1151* (New Haven, 1987), 68.

³³ Friedrich Oswald, Leo Schaefer, and Hans Rudolf Sennhauser, eds., *Vorromanische Kirchenbauten: Katalog der Denkmäler bis zum Ausgang der Ottonen*, 3 vols. (Munich, 1966-71), 3:297-99. On a possible relationship between the plans of Saint-Maurice d'Agaune and Saint-Denis in the time of Abbot Fulrad of Saint-Denis in the eighth century, see Summer McKnight Crosby, *L'abbaye royale de Saint-Denis* (Paris, 1953), 13.

³⁴ Puttfarken, "Ein neuer Vorschlag," 94.

³⁵ Bucher, review (see n. 20 above), p. 60.

an overall length of 300 feet based on a 40-foot module and spelled this out in an inscription, we must try to find in the existing Plan an acceptable reflection of a presumed original 7.5 module length.

The drawings of both apses and their enclosing parvises lack the convincing authority of the rest of the Plan, since neither apse is concentric with its parvis. The focal point for the radius of the western apse is 16 mm. from the nave in the middle of the altar of Saint Peter, while the focal point of the parvis is about 23.5 mm. from the nave beyond the western edge of the altar (plate 3). In consequence, the width of the area enclosed by the parvis varies from a little more than 24 feet to 30 feet on the nave-width scale. The eccentricity of the eastern parvis is even more pronounced. The focal point of the eastern apse is about 7 mm. to the east of the crypt passageway (in the *o* of ORIENTE), but the focal point of the parvis is some 17.5 mm. east of the passageway almost on the east edge of the altar of Saint Paul, so that the width of the area of the parvis varies from about 23 feet to 30 feet (plate 4). These designs look oddly asymmetrical and leave the columns of the western parvis uncertainly situated with respect to the walls of the parvis and the apse.

Two verses in the western parvis reveal that the columns supported a roof from the outer wall, forming a semicircular shaded walk around an open space in the center.³⁶ It is not clear how far in from the parvis wall or how far out from the apse the columns were meant to be placed, since on the Plan these distances vary for each column.³⁷ A third hexameter verse in the western parvis (5) has received little attention, as I have said, and is thought to indicate an interval between the columns of 10 feet. If we measure the average distance between the columns of the parvis on the Plan itself, the nave-width scale gives an approximate figure of 14 feet for the intercolumniation; the nave-pier scale gives a figure of about 8 feet. Conversely, if we assume that the average distance between the columns in the parvis is 10 feet, the overall length of the church on the same scale would be approximately 220 feet (see Table 2). Thus, an intercolumniation

³⁶ Around the inside of the wall of the parvis is inscribed "HIC MURO TECTUM IMPOSITUM PATET ATQUE COLUMNIS" ["Here extends a roof which rests upon a wall and columns"]. Around the outside of the apse is inscribed "HIC PARADISIACUM SINE TECTO STERNITO CA(m)PUM" ["Here lay out a parvis without a roof"]. See Horn, *Plan of St. Gall* 3:18-19.

³⁷ The first column at the end of the nave on the south side of the parvis is positioned 18 mm. in from the parvis wall and 25 mm. out from the apse. The fifth and sixth columns are positioned approximately 20 mm. in from the parvis wall and 27 mm. out from the apse. The tenth column, which is at the end of the nave on the north side of the parvis, is positioned 17.5 mm. in from the parvis wall and 23 mm. out from the apse. The first and tenth columns are in line with the crosses of the altars in the aisles.

of 10 feet agrees neither with a 40-foot module (= the nave-width scale), nor with any of the other scales, except the church-length scale of 200 feet if taken from apse to nave (see Table 1).

The parvis-column hexameter partly resembles the elegiac couplet that gives the distance between the nave piers. Like the couplet in the nave, it occupies the spaces between the columns. It reads

Has interque pedes denos moderare columnas.

(Notice the use of "denos" for "ten.") Horn translates, "Between these columns count ten feet."³⁸ That is, he takes the imperative "moderare" (from *moderari*, "to guide," "to govern," "to restrain," "to moderate," "to arrange") to be equivalent to the imperative "metire" (from *metiri*, "to measure"). It may be possible to stretch the meaning of "moderare" this far,³⁹ although the poet was not forced to do so for metrical reasons. "Metire" (long, long, short) is a perfectly acceptable metrical equivalent of "moderare" (short, short, long, short). Nor is it likely that he substituted "moderare" for "metire" for the sake of elegant variation. The ability to compose "correct" hexameters was a mark of a quality education. No Carolingian poet would risk an unnecessary solecism. If "measure" was what he meant, he would probably have written "metire," just as he did in the nave.

A point to observe about this hexameter is that it contains two sets of accusative objects ("has columnas," "pedes denos") which are in ambiguous syntactical relationship with the words that govern them. Horn and, so far as I am aware, all other commentators take "has columnas" to be the object of the preposition "inter," and "pedes denos" to be the object of the imperative "moderare." In classical Latin poetry the collocation "has interque . . ." would normally signal that the object of the preposition is to be a noun agreeing with "has." On the other hand, a classical poet would probably not place another accusative phrase immediately after "interque." Could it be that the author of the parvis-column hexameter, taking advantage of the ambiguity of the syntax, intended "pedes denos" to be understood as the object of "inter," and "has columnas" to be the direct object of the

³⁸ Horn, *Plan of Saint Gall* 1:128; 3:19. It is clear that Willis interpreted the verse in this sense, because he says, "Similar differences occur when such a scale is applied to the intercolumniations, which are said to be twelve feet in the nave and *ten* [my italics] in the atrium" ("Description of the Ancient Plan," 89). Boeckelmann, "Der Widerspruch," 125, translates: "Zwischen diesen Säulen zehn Fuss messen." Reinle, "Neue Gedanken," 94: "Zwischen diesen Säulen miss zehn Fuss."

³⁹ Of the dictionaries of classical, ecclesiastical, and medieval Latin that I have consulted (*Oxford Latin Dictionary*, TLL, Souter, DuCange, Latham, Niermeyer), only TLL 8:1213-14 offers *metiri* as a gloss of *moderari* (and in senses unrelated to the use of "moderare" here). None of them cites any example of *moderari* being used with a number.

verb? In this order both noun objects follow the words that govern them, as they might in the natural word order of Vulgar Latin or in the Romance and Germanic vernaculars, and the verse could be translated as follows: "Position/arrange these columns between ten feet."

Although on the Plan the measured diameter of the parvises is roughly 85 feet (on the nave-width scale), the implied diameter of both seems clearly to be 80 feet, based on the inscriptions giving the nave width as 40 feet and the aisle width as 20 feet.⁴⁰ At the east end, the apse is given a diameter of 40 feet, but the western apse has a diameter of only 35 feet. The constructional basis for this discrepancy is obvious from the Plan. When the western apse was drawn, the diameter was taken intentionally from the inside edges of the bases of the two western nave piers instead of from their centers.⁴¹

If the designer of the prototype intended a concentric apse and parvis attached directly to the west end of the nave with diameters of, respectively, 40 and 80 feet,⁴² and if he intended to arrange the columns supporting the parvis roof in a semicircle halfway between them, then the interval between the columns would have been slightly more than 10 feet (as it is not in the present arrangement on the Plan),⁴³ as might be implied by one interpretation of the hexameter ("arrange [equal intervals of] ten feet between these columns"), and each column would have been centered between the parvis wall and the apse at an equal distance from each of 10 feet, as might be implied by the other interpretation ("position these columns between [equal intervals of] ten feet"). The ambiguity of the verse, then, could have been intended to emphasize the complex dimensional symmetries in a design calling for *ten* columns to be placed *10* feet in from the parvis wall, *10* feet out from the apse, and approximately *10* feet from each other.

If on the prototype an apse with a 40-foot diameter was concentrated within a parvis with an 80-foot diameter at each end of the church, then either the parvises must have been closer together than they are drawn on the Plan or the apses must have been farther apart. Two possible configurations

⁴⁰ Willis, "Description of the Ancient Plan," 92, observed, "the diameter of [the western parvis] is equal to the entire width of the nave and aisles. . . ."

⁴¹ Stachura's investigations show that this was a deliberate choice rather than a careless error. See Stachura, "Der Plan von St. Gallen: Der Westabschluß," 34-35.

⁴² Reinhardt uses these diameters in his revised diagram of the church based on the inscriptions in *Der St. Galler Klosterplan*, 21-22; in his earlier diagram in "Comment interpréter le plan carolingien de Saint-Gall?" 273 (overlay), he makes the apse and parvis concentric but retains the reduced apse of the Plan.

⁴³ The radius (R) of a circle inscribed about a polygon of n sides, where the length of each side = a, is determined by the formula $R = a/2 \csc 180^\circ/n$. In this arrangement, where R = 30 feet and n = 18, the interval (a) between the columns would be 10.42 feet.

for the prototype that would conform to this requirement may be considered. (1) Let the overall length of the church from apse to apse be 7.5 modules or 300 feet, as it very nearly is on the Plan. In this case the distance separating the easternmost and westernmost limits of the parvises would have to be reduced to 8.5 modules or 340 feet on the prototype. (2) Let the length of the complex from parvis to parvis be nine modules or 360 feet, as it is drawn on the Plan. This would require that the overall length of the church on the prototype be extended to eight modules or 320 feet.

If Horn is correct in his hypothesis that the Plan was constructed on the basis of a 40-foot module, then the second configuration calling for a 320-foot prototype would seem to make good sense. The entire church complex (parvis to parvis) would extend nine modules (360 feet), the overall length of the church would add up to two super modules (160 feet + 160 feet), and the church without the apses (sanctuary + choir + nave) would come to seven modules (280 feet).

On the Plan the length of the central axis of the church from the eastern limit of the east parvis to the western limit of the west parvis is 603 mm.⁴⁴ If a 40-foot module governed the design this is not likely to have been a random length: it corresponds exactly to nine modules ($9 \times 67 \text{ mm.} = 603 \text{ mm.}$). To be centered within the parvises, the apses would have to be positioned eight modules or 320 feet apart. A 300-foot standard basilica church with an added 20-foot (half-module) counter-apse—drawn as the church of the Plan is, but with ten nave bays instead of nine—and centered in a 360-foot complex would have a concentric apse and parvis at each end. The width of the open space of the parvis as it circles round the apse would be 20 feet.

With the hypothesis of a 320-foot, ten-bay prototype, other problems find their solution. At the western end of the church there are two porches on the Plan (plate 3). One gives access to the northern range of the monastery; the other gives access to the southern range. At the east end they overlap the nave, but the greater part of each building extends some 20 feet along the wall of the parvis past the point where the parvis begins to curve. Structures like this are a builder's nightmare. Of course they can be built, but why design such ungainly things? Verses in the north and south porches

⁴⁴ Stachura, "Der Plan von St. Gallen: Der Westabschluß," 33–36 and fig. 2, has shown that the draftsman of the Plan tentatively marked with dividers three other arcs at slightly varying distances on the long axis of the church complex before inking in the arc that determines the limit of the western parvis as it now appears. Thus the solution he finally adopted here may not have been immediately governed by considerations of overall length. We do not know which end of the church complex was drawn first, but Stachura believes that it was the western end (p. 37). This leaves open the possibility that the distance from west to east was modularly determined.

provide functional answers. An elegiac couplet in the north porch (Horn, *Plan of St. Gall* 3:33) says,

Exiet⁴⁵ hic hospes vel templi tecta subibit.

Discentis scolae⁴⁶ pulchra iuventa simul.

[Here the guest will leave or come within the church. Likewise the graceful youth of the learning school⁴⁷]

In the south porch a hexameter verse (Horn, *Plan of St. Gall* 3:34) reads

Tota monasterio⁴⁸ famulantum hic turba subintret.

[Here let all the crowd of servants enter the monastery unobtrusively]

The inscriptions in the porches would make more sense if the porches gave direct access to the interior of the church.⁴⁹ This would be the case in a church with a ten-bay nave, and the problem of the porches' design would also disappear. The west end of the extended church would coincide with the west end of these porches.⁵⁰ They would be rectangular structures, flanking the church rather than the parvis, and they would facilitate passage from the church to the northern and southern ranges of the monastery.

Another problem solved by the hypothesis of a 320-foot prototype is the position of the altar of the Holy Cross. Friedrich Oswald gives textual and archaeological evidence (including a reference to the Plan of Saint Gall) for the positioning of the altar of the Holy Cross at the midpoint of early medieval churches.⁵¹ On the Plan, the altar of the Holy Cross appears to stand at the midpoint of the church,⁵² but in reality it does not. The altar is aligned with the third pair of nave piers from the crossing square. The theoretical midpoint of a 7.5-module church, however, is 3.75 modules from either end, or halfway between the second and third pair of nave piers.

⁴⁵ For the future "exiet" (for "exibit"), see Souter, *A Glossary of Later Latin*, s.v. *exeo*.

⁴⁶ There is a false quantity in the first syllable of "scolae," which is short by nature.

⁴⁷ I.e., the external school.

⁴⁸ *Monasterium* is not a classical Latin word; hence it is probably scanned arbitrarily. Etymologically speaking, the *e* should be long, even though here it must be short.

⁴⁹ If "monasterio" in the couplet of the south porch refers to the church ("minster") rather than the "monastery," the argument is even more compelling.

⁵⁰ The porches as drawn extend 34.5 mm. (approximately a half-module) beyond the west end of the church. Centering the proposed 320-foot church on the 360-foot axis would shift the new west end of both porches and nave about 9 mm. east of the present west end of the porches on the Plan.

⁵¹ Friedrich Oswald, "In medio Ecclesiae: Die Deutung der literarischen Zeugnisse im Lichte archäologischer Funde," *Frühmittelalterliche Studien* 3 (1969): 313–26, esp. 315–16.

⁵² Noll, "Origin," 211 and 226, believes that the altar of the Holy Cross was the main altar of the church and that the church was aligned on this midpoint.

On the Plan this theoretical midpoint roughly corresponds to the upper edge of the horizontal arm of the Cross (plate 2b). Thus the altar is actually positioned a little west of the midpoint of the church. This position might be the draftsman's compromise between two incompatible desiderata—that the altar of the Holy Cross be aligned (like all the other altars in the nave) with the nave piers, and that it be situated at the very midpoint of the church. In a 320-foot double-ender prototypical church there would have been no conflict between these requirements. The third pair of nave piers from the crossing square would also have been the midpoint of the church, precisely where the altar is shown on the Plan.

Some physical traces of the 320-foot prototype may have survived on the Plan itself. According to Stachura, the only part of the Plan that shows extensive evidence of experimentation is the western apse and parvis. Among the designs that the draftsman tried (as revealed by compass arcs and center points) was a western apse 40 feet in diameter (like the eastern apse) attached, so Stachura argues, to a western choir extending out from the nave approximately the length of one nave bay. The apse was centered within a parvis attached to the church by straight walls again approximately one nave bay in length.⁵³ Stachura considers, but then rejects on what I think are insufficient grounds, the possibility that the draftsman was actually experimenting with a ten-bay church rather than a nine-bay church with a western choir. However it is interpreted, this trial design preserves the length of the hypothetical ten-bay church, the concentric relationship of apse and parvis, the rectangular construction of the porches, and parvis-piers that could be centered at an equal distance of 10 feet in from the parvis wall and 10 feet out from the apse, with an interval between them of approximately 10 feet. Although this design was finally discarded, its existence suggests that the dimensional relationships of the prototypical church were not easily abandoned when the decision to reduce the length of the church to 200 feet was made.

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Hypothesizing a prototype with a 320-foot double-ender church provides a single explanation for four different sets of anomalies on the existing Plan—the discrepancies of scale, the illogical relationship between the apses and the body of the church and its parvises, the peculiar design of the two western porches, and the displacement of the altar of the Holy Cross

⁵³ Stachura, "Der Plan von St. Gallen: Der Westabschluß," 35–36 (variant C), and fig. 3c.

from the midpoint of the church. On this hypothesis it would appear that when the Plan was prepared at Reichenau for transmittal to St. Gall a decision was made to reduce the length (but not the width) of the church depicted on the prototype. To this end the two inscriptions (1) and (4) that indicated length were altered, the church was shortened by one bay, and the diameter of the western apse was reduced, but in most other respects (presumably) the designs of the ten-bay prototype, which were based on the 40-foot module, were retained.

We do not know to what extent the rebuilding of the monastery by Abbot Gozbert and his successors followed the Plan, but there is reason to believe that the new church (830–37) conformed closely to the revised dimensions recommended by the inscriptions—namely, overall length of 200 feet, nave width of 40 feet, aisle width of 20 feet, and pier intervals of 12 feet in the nave.⁵⁴ The reduced church of the Plan is also comparable in size and design to the eighth-century churches of Saint-Maurice d'Agaune and of Saint-Denis. Abbot Fulrad's church of Saint-Denis, as reconstructed by Sumner Crosby, was approximately 191 feet (63.5 meters)⁵⁵ in length from apse to apse. Crosby shows eight pairs of nave columns (actually eight columns on the north side and seven on the south) forming bays measuring 30 feet in width by 12 feet in length. Thus he implies nine bays, with the western bay being longer (16 feet to the interior of the west end) than the others. The eastern semicircular apse with a diameter of 40 feet (to the exterior walls) was joined to the crossing by a bay equal in length (12 feet) to the nave bays. The smaller polygonal western apse extended 14 feet between two towers.⁵⁶ The aisles were half the width of the nave bays (15 feet). Thus the width of the church was 60 feet.⁵⁷

The most compelling objection that is likely to be made to the hypothesis of a 320-foot prototype is one that can also be made to Horn's 300-foot

⁵⁴ Horn, *Plan of Saint Gall* 2:319–26.

⁵⁵ Crosby, *Royal Abbey*, 65 and 471 n. 53, accepts a figure for the Carolingian foot of approximately 0.3329 meters (13.125 inches). Thus it is possible to convert his metric measurements into "feet" by using a multiple of three. Horn's calculation of the Carolingian foot used by the draftsman of the Plan is 0.3207 meters (12.625 inches), a figure which, he notes, must be corrected upward to compensate for shrinkage in the parchment, etc. (see Horn, *Plan of Saint Gall* 1:94). While claims about the length of the Carolingian foot are controversial, it seems appropriate for comparative purposes to use a measure for the foot at Saint-Denis that might approximate that in use at St. Gall.

⁵⁶ These figures are derived from Crosby, *Royal Abbey*, 51–83, esp. 62–67, and from measurements taken from his drawings, plates 2 and 3C.

⁵⁷ Note that this is an interior dimension. The width of the nave + aisles measured to the exterior of the walls = 66 feet. Compare the "discrepancy" between stated width of nave + aisles on the Plan of St. Gall (80 feet) and the width measured according to the nave-width scale (85 feet).

prototype: namely, that no churches of this size are known to have been constructed in the Carolingian period. Puttfarken points out that the only two churches that approached this length were Fulda (about 97 meters = about 291 feet) and Cologne (about 94 meters = about 282 feet), and that their exceptional sizes were related to their special functions as the resting place of St. Boniface and as a metropolitan church, respectively.⁵⁸

Perhaps the best answer to the objection is the simplest. Just as the Plan itself gives the powerful impression of being both an ideal vision of a monastic complex and a practical guide to its construction, it may be that the church on the prototype was designed at the outer limits of practicability in relation to the major churches of western Europe of the time as a visionary ideal that could be scaled down to suit the needs of a particular monastic building program as in the new church at St. Gall.

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⁵⁸ Puttfarken, "Ein neuer Vorschlag," 83. See Horn, *Plan of St. Gall* 1:27–29.

A SECOND NEW LIST OF BENEVENTAN MANUSCRIPTS (III)*

Virginia Brown

ALMOST 300 items in Beneventan script are included in this latest instalment of "A Second New List of Beneventan Manuscripts." As in parts I and II, which appeared in *Mediaeval Studies* 40 (1978) and 50 (1988) respectively, the manuscripts and fragments described below are "new" in the sense that they are not recorded in the second edition of E. A. Loew's *The Beneventan Script: A History of the South Italian Minuscule* (Rome, 1980). Hence Part III continues the census begun in this magisterial work.

The general character of the new witnesses is overwhelmingly liturgical. Exceptions are the witnesses to the *Chronographia tripertita* of Anastasius Bibliothecarius at Altamura, London (British Library), and Matera, the fragments of the *De bello iudaico* of Hegesippus and the *Institutiones grammaticae* of Priscian (London/Oslo, The Schøyen Collection mss 183 and 1778 respectively), a bifolium from the *Codex* of Justinian (Rome, Biblioteca Vallicelliana), part of a folio containing the *Decretum* of Gratian (Montevergine), and a leaf at Padua with the *De medicina* of Cassius Felix. The last three items named are perhaps the only witnesses now known in Beneventan. Otherwise the texts are from books for the Mass and the Office or for monastic use in general, a broad category which would include patristic and hagiographical writings. This was also true of Parts I and II. Such abundant and concrete testimony confirms that Beneventan is indeed a liturgical script *par excellence*. Important discoveries continue to be made also in this field: witness the hitherto unknown texts in Old Beneventan chant found at Penne.

Nearly all of the new specimens survive in fragmentary condition. The most substantial contain the *Chronographia tripertita* of Anastasius (London, British Library Burney 284, incomplete, 142 fols.), a Breviarium-Rituale (Rome, Biblioteca Casanatense 4868, incomplete, 134 fols.), a Rituale

* Research for this article was conducted for the "Monumenta Liturgica Beneventana" project under the auspices of a Research Grant from the Social Sciences and Humanities Research Council of Canada.

(Lucca, Biblioteca Statale 1781, incomplete, 36 fols.), and a palimpsest antiphonary (Naples, Biblioteca Nazionale VII A 32, approximately 30 fols.). Eighth/ninth-century fragments of Augustine's *Enchiridion* in the Biblioteca Capitolare, Benevento, constitute the oldest item. The latest item has been assigned to the sixteenth century: a *Libellus precum* (*Addenda*, p. 349 below).

At least three points are to be made regarding the new Beneventana:

(1) Previously unknown examples continue to be found in surprisingly large numbers, with Italy, of course, as the most important repository.

(2) The Beneventan zone continues to expand; the single largest cache of new items is preserved at the Archivio Diocesano, Matera, and these sixty-one fragments from twenty-one different manuscripts make it plain that Basilicata was also part of the Beneventan world.

(3) The new items tell us much about the way in which Beneventan was written. Some of them can be reunited with other membra disiecta (and so we get a clearer picture of the volume as a whole) while others exhibit a variety of Beneventan different from the more familiar types written at Montecassino, Benevento, Bari, or Naples. In the latter category may be placed, for example, the Matera fragments and those found at the Biblioteca Nazionale, Naples, in volumes of secure Abruzzi provenance. The problems of origin and dating are fascinating, and the findings resulting from thorough analysis of the liturgical contents will also have a very definite (and often decisive) role to play.

The very different aspect assumed by Beneventan written in regions on the periphery of Lowe's Beneventan zone has had, admittedly, an impact on the dates assigned in the descriptions given below. It is evident that not every scriptorium will progress at the same rate or even have the same ideal of calligraphic excellence. The new items often introduce us to hitherto unknown scriptoria for which we have no dated or securely located models. Needs and economic circumstances also dictated to some extent the format of books to be produced. Many of our new items are clearly of much humbler origin when compared with Montecassino books containing the same texts. The dating criteria in *The Beneventan Script* applies primarily to Montecassino products and so is not pertinent, in the same strict chronological order, to manuscripts originating far from the Cassinese center in areas also under the influence of Caroline minuscule. What is needed as well is a study of this "ordinary minuscule," the results of which would undoubtedly be significant for the dating of Beneventan copied in the same region.

Hence, in view of these circumstances, I have often given simply "saec. XI" or "saec. XII" with no further specification as to whether the item was written at the beginning, middle, or end of the century. Reunion, localization,

and discovery of more fragments will help to fill in some of the puzzle and allow more precision in dating. In other respects I have followed Lowe's practice as outlined in *The Beneventan Script*, vol. 2, p. 3: saec. XI¹ = first half of the eleventh century; saec. XI² = second half of the eleventh century; saec. XI in. = 1000–1030; saec. XI ex. = 1070–1100; saec. XI/XII = ca. 1100.

The format used in the descriptions below follows that of Parts I and II. Maximum measurements are usually given; in the case of a bifolium, maximum measurements are given for a single leaf. Height is always noted first in measurements, and measurements in parentheses are those of the written space. The number of text lines has been counted for items with neumes. As in Part II, contents are identified where possible and indications of provenance and ownership given. My continuing work on the membra disiecta has enabled me, in some instances, to reunite new items with those already recorded in *The Beneventan Script* or in earlier instalments of the "New List."

Descriptions of the new items are based on inspection of the item in situ or in facsimile. Two additional items are certainly in Beneventan, but it was not possible to obtain confirmation of their present whereabouts or further information about them:

Acerenza, Archivio Capitolare: S. N. Novum Testamentum (Mc 14:53–72; capitula evangelii Lucae). Saec. XI. A bifolium, 349 × 259 (228 × 153) mm., 22 long lines. Formerly serving as the cover of a volume; see the entry "Conclusioni Capitolari 1585–1591" added by a non-Beneventan hand parallel to the fold of the bifolium. (*Antonio Giganti*)

Campagna, Archivio del Capitolo Cattedrale: S. N. Antiphonale (Trin.). Saec. XIII. 1 folio (?), at least 7 long lines of musical text. See C. Carlone and F. Mottola, *I regesti delle pergamene dell'abbazia di S. Maria Nova di Calli (1098–1513)* (Salerno, 1981), pl. 5 ("Particolare di un evangeliario perduto del sec. XIII"). (*Enrico Spinelli*)

A third item reported to be in Beneventan is Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 6980.¹ Personal examination, however, reveals that the script is Gothic.

The contributions of many scholars, librarians and friends have made Part III possible. They supplied generously and spontaneously information regarding new discoveries as well as addenda and corrigenda for Beneventan

¹ Cf. R. Hanslik, ed., *Benedicti Regula*, 2d ed., CSEL 75 (Vienna, 1977), p. liv: "v = Rom. Vaticanus lat. 6980 s. XIII/XIV, fol. 41, lin. 22, scriptura Beneventana, 215 × 155, originis incertae." The confusion may have been caused by the use of symbols resembling the characteristic Beneventan suprascript 3-sign for omitted *m* (fols. 2r.5 and 13, 2v.18, 5r.8, 7v.1 and 5, 8r.9, 11r.1 and 4, 11v.1, 12r.4, and passim) and interrogation signs (fols. 1v.6 and 19–20, 2r.5–6, 6r.15–16).

items recorded in *The Beneventan Script* and Parts I and II of the "Second New List." I should like to thank them all. In token of my gratitude and indebtedness, their names are cited in italics after the relevant entry. I acknowledge here the extraordinary help of Dr. Jonathan Black, don Egidio Casarola, sig. Paolo Francesco d'Aloisio, sig. Lello De Meo, dott. Giuseppe Di Molfetta, dott.ssa Viviana Fontana, dott.ssa Anna Garofalo, dott.ssa Clelia Gattagrisi, dott.ssa Assunta Gori, Prof. Richard F. Gyug, dott.ssa Anna Lafronza, sig. Luigi Molinari, dott. Francesco Mottola, Prof. Marco Palma, dott. Stefano Palmieri, Prof. Giuseppe Pupillo, Prof. Roger E. Reynolds, dott. Raffaele Santoro, Dr. Martin Schøyen, and dott.ssa Beatrice Viganotti.

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The following abbreviations are used throughout for bibliographical references:

- B.H.L. = *Bibliotheca hagiographica latina antiquae et mediae aetatis*, 4 vols., *Subsidia hagiographica* 6, 12, 70 (Brussels, 1898–1986).
- Barré = *Les homéliaires carolingiens de l'école d'Auxerre*, *Studi e testi* 225 (Vatican City, 1962).
- Brown I = V. Brown, "A Second New List of Beneventan Manuscripts (I)," *Mediaeval Studies* 40 (1978): 239–89.
- Brown II = V. Brown, "A Second New List of Beneventan Manuscripts (II)," *Mediaeval Studies* 50 (1988): 584–625.
- CAO = R.-J. Hesbert, *Corpus antiphonalium officii*, vols. 3–4, *Rerum ecclesiasticarum documenta, series maior, fontes* 9–10 (Rome, 1968–70).
- Cenci 1, 2 = C. Cenci, *Manoscritti francescani della Biblioteca Nazionale di Napoli*, 2 vols. (Quaracchi-Grottaferrata, 1971).
- Chevalier = U. Chevalier, *Repertorium hymnologicum: Catalogue des chants, hymnes, proses, séquences, tropes en usage dans l'église latine depuis les origines jusqu'à nos jours*, 6 vols. (Louvain, 1892–1920).
- Flor. cas. = *Bibliotheca casinensis seu Codicum manuscriptorum qui in Tabulario casinensi asseruantur series*, vols. 1–3 (Montecassino, 1873–77), with *Florilegium casinense* paginated separately.
- Machielsen = J. Machielsen, *Clavis patristica pseudepigraphorum medii aevi*, 2 vols. (Turnhout, 1990).
- Quaritch, *Bookhands IV* = *Bookhands of the Middle Ages: Part IV. Beneventan Script*, Bernard Quaritch Catalogue 1128 (London, 1990).

The Beneventan Script = E. A. Loew, *The Beneventan Script: A History of the South Italian Minuscule*, vol. 2: *Hand List of Beneventan MSS.*, 2d edition prepared and enlarged by V. Brown (Rome, 1980).

ALTAMURA

Archivio Biblioteca Museo Civico: fondo Sabini, Perg. 1. Anastasius Bibliothecarius, *Chronographia tripertita*. Saec. X/XI. 1 mutilated and damaged folio, heavily and badly restored, 300 × 221 (252 × 174) mm., 2 cols., 28 lines. Formerly serving as the cover of a volume. From the same manuscript as Matera, Archivio Diocesano fram. 9 (see p. 321 below). See V. Brown, "The *Chronographia tripertita* of Anastasius Bibliothecarius: New Fragments in Beneventan Script at Altamura and Matera," *Altamura: Rivista storica* 35 (1993): 131–40 and 2 plates. (*Giuseppe Pupillo*)

ATRI

Biblioteca Capitolare "Luigi Illuminati": Cod. A 21, fols. 1–2. Antiphonale (Dom.–Fer. 3, Sabb. per annum; s. Sebastiani). Saec. XII. A bifolium, of which one side (the present fol. 1r) was formerly used as a pastedown and the conjugate (fol. 2) as a flyleaf, 298 × 220 (245 × ca. 145) mm., 13 long lines of musical text. Restored at Pescara by Cav. G. di Giacomo. The main text (fols. 3r ff.) contains, in Gothic writing, a calendar and breviary. See B. Trubiani, *Miniature-codici-incunaboli ad Atri* (Rome, 1972), 28, no. 13 ("Appartenne ad Antonio di Atri, Professore di Decreti all'Università di Roma, morto nel 1449"). (*Richard F. Gyug*)

AVERSA

Archivio Storico Diocesano: S. N. Vitae sanctorum (Lucae evang. [B.H.L. 4973]; Cosmae et Damiani [B.H.L. 1970]). Saec. XII/XIII. A damaged bifolium, now displaying writing on the flesh side only, 396 × 304 (320 × 190) mm., 2 cols., 32 lines. Formerly used as a cover for a volume of "Visite Pastorali" in 1575. Restored in 1989 at the Badia di Grottaferrata. See *La Cattedrale nella storia: Aversa 1090–1990. Nove secoli d'arte* (Aversa, 1990), 50–51, with complete facsimile (much reduced) of the flesh side. (*Ernesto Rascato*)

BARI

Archivio di Stato

Tabulario Diplomatico 150. Bruno ep. Signiensis, *Commentarius in Matthaeum* 3.18.77–4.19.78 (Mt 18:27–19:12). Saec. XII. Bari type.

1 damaged and stained folio, 346 × 217 (248 × 138) mm., 2 cols., 32 lines. Formerly serving as the cover of a volume of notarial records (*Quinternus contractuum*) for the years 1526–29 (not. Stefano de Monte, Bari). The leaf has been restored according to an entry (“disinfettata e restaurata da Faraone col sistema di Cristofaro Marino”) on the folder in which it is presently preserved. For another part of the same manuscript, see the item described below under Tabulario Diplomatico, appendice, n. provvisorio 2. (*Beatrice Viganotti*)

Tabulario Diplomatico, appendice

N. provvisorio 1. 1 mutilated and stained palimpsest folio consisting of 2 pieces sewn together, 322 × 210 mm. Upper script is Beneventan saec. XII: Johannes Chrysostomus, Homilia 1 de cruce et latrone, with lacunae (Basel, 1530 ed., pp. 109D.8–111C.1), 30 long lines (width of written space ca. 140 mm.). Lower script is Beneventan saec. XI ex. (*ut vid.*), Bari type, written parallel to the upper text on the top piece and at right angles on the lower (smaller) piece: Hagiographica (*ut vid.*), 2 cols., at least 26 lines (upper piece), and 1 of 2 cols., 20 lines (lower piece). Removed from a volume of notarial records for the years 1570–71 (not. Claromonte de Claromonte, Bari). (*Anna Lafronza*)

N. provvisorio 2. Bruno ep. Signiensis, Commentarius in Matthaeum 4.26.104 (Mt 26:31–46). Saec. XII. Bari type. 1 damaged and stained folio, 317 × 208 (247 × 139) mm., 2 cols., 32 lines. Formerly serving as the cover of a volume of notarial records (*Quinternus procurationum*) for the years 1525–27 (not. Vito de Tatiis, Bari). Restored in 1990 at the Clinica del Libro, Acerra. For another part of the same manuscript, see the item described above under Tabulario Diplomatico 150. (*Anna Lafronza*)

Biblioteca Nazionale: 70 Z 908 (olim 161 G 1). Reinforcing the binding of a printed book (Bartholomaeus Cassanaeus, *Catalogus Gloriarum Mundi* [Venice, 1576]) are 4 scraps, of which 2 are in Beneventan saec. XII² (Sermo in die Epiphaniae [Is 60:1–6, *ut vid.*]) from the lower part of seemingly the same folio. Respective measurements of the Beneventan scraps (from top to bottom): 86 × 65 mm., parts of 10 lines; 83 × 85 mm., parts of 10 lines. (*Francesco Quarto*)

BENEVENTO

Archivio di Stato: Frammenti (Our knowledge of these fragments is owing to *Jean Mallet, O.S.B.* and *André Thibaut, O.S.B.*, whose detailed

description will appear in *Les manuscrits en écriture bénéventaine de la Bibliothèque Capitulaire de Bénévent*, vol. 2, forthcoming.)

31. Homiliarium (Beda, Homiliae in evangelia 1.18; Ps.-Augustinus, Sermo App. 128.3–6; Passio s. Iulianae [B.H.L. 4525? 4522? 4523?]). Saec. XI. Remains of a mutilated bifolium, the innermost of the quire, 218 × 242 mm., 2 cols., 20–21 lines surviving. Formerly serving as the cover of a volume of notarial records for the years 1553–56 (fondo notarile, prot. n° B 133; *not.* Camillo Verro, active at Benevento 1530–70).
32. Vetus Testamentum (Gen 40:3–41:5). Saec. XII. 1 damaged folio, 408 × 245 (307 × 183) mm., 2 cols., 30 lines. Formerly serving as the cover of a volume of notarial records for the year 1600 (fondo notarile, prot. n° 404/1; *not.* Giulio Cocchiglia, active at Benevento 1560–1604).

Biblioteca Capitolare: MS. L. Augustinus, Enchiridion 22.82–88, 23.89–91, 28.106–7, 29.110. Saec. VIII/IX. 4 strips join to form contiguous parts of 2 folios once constituting a bifolium: 226 × 67 mm., parts of 36 of an estimated original 40 long lines; 96 × 46 mm., parts of 10–11 long lines (lower part of the folio). Formerly used to repair fols. 135r–v and 167r–v in ms. 848, an antiphonale in Gothic writing; now removed and kept separately. A detailed description will be given by Mallet-Thibaut, *Les manuscrits en écriture bénéventaine*, vol. 2 (forthcoming). (Roger E. Reynolds)

BIRMINGHAM

Kenneth W. Humphreys Collection: S. N. Isidorus, De fide catholica contra Iudaeos 35.3, 36.3–4, 39.1–2, 43.1. Saec. XII. Upper part of 1 folio, 92 × 220 mm., 2 cols. (width of 1 col. ca. 106 mm.), 6–7 lines. Acquired from E. von Scherling in the 1950s and described in *Rotulus* 6 (1952), no. 2411; listed as missing in Brown I, 282. This fragment joins with Durham, Duke University, Perkins Library Lat. 79 (*The Beneventan Script*, 39; formerly Leiden, E. von Scherling 2533) and Portland (Oregon), University of Portland, Clark Library S. N. (possibly Leiden, E. von Scherling 2430; see pp. 334, 344 below) to constitute a mutilated folio whose written space measures (estimated) ca. 375 × 239 mm., 2 cols., 33 of 35 lines surviving. (Kenneth W. Humphreys, Marco Palma)

BISCEGLIE

Archivio Capitolare del Duomo: S. N. Pasted to the bottom of an unnumbered leaf in a paper antiphonale in Gothic writing is a

horizontal strip from a bifolium in Beneventan saec. XII (Commentarius in epistulam ad Romanos?): 21 × 166 (width 133) mm., 2 cols. (width of 1 col. ca. 61 mm.), 5 lines. (*Francesco Magistrale, Giuseppe Di Molfetta*)

Archivio parrocchiale della Collegiata dei SS. Matteo e Niccolò: S. N. Augustinus, Tractatus in Iohannem 17.1–4. Saec. XI ex. 1 folio, stained and mutilated so that part of the inner column is missing, 317 × 228 (283 × estimated 219) mm., 2 cols., 34 lines. Presently (May 1993) on deposit in the Archivio Storico Diocesano, Bisceglie. (*Giuseppe Di Molfetta*)

Archivio Storico Diocesano

Sezione Curia Vescovile: S. N. (Our knowledge of these fragments is owing to *prof. Francesco Magistrale* and *dott.ssa Clelia Gattagrisi* who kindly made them available for consultation.)

(i) Hieronymus in Matthaeum 2 (Mt 15:2–13). Saec. XII in. 1 folio, stained and mutilated so that part of the inner column is missing, 339 × 264 (291 × estimated 217) mm., 2 cols., 32–33 lines. Formerly serving together with the next item as the cover of a volume from the Archivio della Curia Vescovile, Bisceglie containing synods of Bishop Girolamo Sifola (1524–65) and pastoral visits of other sixteenth-century bishops of Bisceglie (Giovanni Andrea Signazio, Giovanbattista Suriano, Alessandro de Cospis); removed when the volume was restored in 1987–88 at the Archivio di Stato, Bari. See C. Gattagrisi, “Nuovi frammenti in beneventana in Terra di Bari (Molfetta, Bisceglie),” in *Scrittura e produzione documentaria nel Mezzogiorno longobardo. Atti del Convegno internazionale di studio (Badia di Cava, 3–5 ottobre 1990)*, ed. G. Vitolo and F. Mottola (Cava, 1991), 128–29 (= “framm. A”).

(ii) Vita s. Arethae et soc. (B.H.L. 671). Saec. XI/XII. Bari type. 1 damaged and stained folio, mutilated so that part of the inner column is missing, 367 × 245 (352 × estimated 226) mm., 2 cols., 38 lines. For its former use as a cover, see the preceding item. See Gattagrisi, “Nuovi frammenti,” 128–30 (= “framm. B”).

Sezione Musicale

Antifonario 4, offset and scraps. An offset of an unidentified text in Beneventan saec. XII ex. (*ut vid.*), Bari type, is preserved on fol. 67r: 82 × 17 mm., parts of 7 lines. 2 scraps seemingly from another codex (unidentified text) in Beneventan saec. XII (*ut vid.*), Bari type, have been used to repair the edges of fols. 70r and 71v; respective measurements are 12 × 32 mm., parts of 2 lines, and

12.5 × 21 mm., parts of 2 lines. Reinforcing the edge of fol. 143v is a scrap (unidentified text) in Beneventan saec. XII ex., Bari type, 18 × 8 mm., scant remains of 1 line; perhaps from the same Beneventan manuscript as the offset on fol. 67r. The main manuscript, in Gothic writing, belonged to the Archivio della chiesa di S. Adoeno, Bisceglie.

Antifonario 5, offsets. Offsets probably from the same folio of a Missale (Fer. 6 Quat. Temp. Quadrag.) in Beneventan saec. XII ex., Bari type, are preserved on fols. XIXr and LXVIIr: respective measurements are 30 × 51 mm., parts of 2 cols., 3 lines, and 10 × 44 mm., 2 lines. The main manuscript, in Gothic writing, belonged to the Archivio della chiesa di S. Adoeno, Bisceglie.

Proprietà privata: S. N. Antiphonale (Epiph.; Oct. Epiph.). Saec. XI/XII. Bari type. A damaged bifolium, 300 × 228 mm. (270 × 161) mm., 14 long lines of musical text. Presently (May 1993) serving as the cover of a composite volume of records saec. XV² regarding the property of the church of S. Matteo, Bisceglie. The volume comes from the Archivio of that same church. See Gattagrisi, "Nuovi frammenti," 130; and T. F. Kelly, "A Musical Fragment at Bisceglie Containing an Unknown Beneventan Office," *Mediaeval Studies* 55 (1993): 347–56 and 4 plates (complete facsimile). (*Francesco Magistrale, Clelia Gattagrisi*)

BOLOGNA

Biblioteca del Civico Museo Bibliografico Musicale G. B. Martini: Q 8 (a miscellany of fragments), **frag. 11**. Rituale, with neumes (*Ordines pro defunctis*). Saec. XII². 1 folio, trimmed, 206 × 153 (185 × 113) mm., 22 of an estimated original 25 long lines surviving.

BORGOMANERO

Biblioteca Pubblica e Casa della cultura Fondazione "A. Marazza": S. N. (inv. no. 34462). Homiliarium (Augustinus, *Tractatus in Iohannem* 50.4; Beda in *Marcum* 4 [Mc 14:1–3]). Saec. XIII. 2 folios, trimmed and pasted to the inside front and back covers of a printed book containing various medical texts (Venice, 1479): 300 × 195 (280 × 180) mm., 2 cols., 26 lines. On fol. 2r of the main text are the ex libris "Iste liber est Sancte Marie de gratiis de Novaria" (saec. XV) and "Liber domini Iohannis Baptiste Novariensis" (saec. XVI). Acquired in 1973 as part of a group of manuscripts and books belonging to Carlo Antonio Molli (1759–1830), a local bibliophile. See S. Gavinelli, "Un frammento di omeliario in beneventano-

dalmatica del sec. XII," *Italia medioevale e umanistica* 34 (1991): 269–75 and pl. 9 (inside back cover, fol. 1r).

BRYN MAWR (Pennsylvania)

Bryn Mawr College, Canaday Library: Goodhart Collection, Greek Fragment 2. Liturgia s. Iohannis Chrysostomi. Saec. XI in. 1 folio, 203 × 137 (width 108) mm., 20 long lines ruled, which has been folded in two to create a bifolium. The transliteration of the Greek text in Beneventan characters, with Latin rubrics in Beneventan, occupies the recto and verso of one leaf of the bifolium and is written in 14 long lines at right angles to the original ruling. Presented in 1943 by Howard Lehman Goodhart and kept in a bound collection of manuscript fragments in Greek. See R. E. Reynolds, "The Greek Liturgy of St. John Chrysostom in Beneventan Script: An Early Manuscript Fragment," *Mediaeval Studies* 52 (1990): 296–302 and 2 plates (recto and verso). (*John Mitchell*)

CAMERINO

Archivio Arcivescovile: Misc. perg. 3. Novum Testamentum (Apoc 17:13–18:6, 18:9–18, 18:21–19:6, 19:10–20). Saec. XI ex. Part of a very large folio, damaged and mutilated so that most of the inner column is missing, 320 × 232 mm., 2 cols. (width of 1 col. 104 mm.), 33 of 42 lines surviving. Apparently used as the cover of a document; the entry "1485 / Giacoso Angelucci" is seen on the verso in the inter-columnar space. From the same codex as the fragments described in Brown II, 593 (under Camerino); for their new shelf mark see p. 342 below. (*Sandro Corradini*)

CORFINIO

Archivio Capitolare della Cattedrale S. Pelino: S. N. (Our descriptions are based on F. Mottola, "I frammenti in beneventana e carolina nell'archivio di Corfinio," in *Scrittura e produzione documentaria nel Mezzogiorno longobardo. Atti del Convegno internazionale di studio [Badia di Cava, 3–5 ottobre 1990]*, ed. G. Vitolo and F. Mottola [Cava, 1991], 91–124; Prof. Mottola kindly supplied additional information. The fragments were transferred in 1992 from the Archivio to the "Casa Canonica.") (*George Ferzoco, Francesco Mottola*)

- (i) Haymo in epistulam Pauli ad Romanos 15:33–16:13. Saec. XII. 1 mutilated and trimmed folio, 323 × 218 (estimated width 207) mm., 2 cols., 38 of an estimated original 46 lines surviving. Formerly serving as the cover of a printed book (Joannes Ludovicus Vivaldus,

Tractatus de veritate contritionis [Paris, 1517]) and reinserted at the end of the book when the volume was restored at Pescara in 1967. On the verso are the entries "Franciscus Cauccia sec. XVI" and (added twice by a later hand) "1517." See Mottola, "I frammenti," 95–100 ("frammento A"), with complete, much reduced facsimile on 116–17.

(ii) Ps.-Chrysostomus, *Opus imperfectum in Matthaëum* 34. Saec. XII. 1 damaged folio, 413 × 280–308 (width 218) mm., 2 cols., 27 lines. Presently serving as the cover of a volume of documents saec. XV med. pertaining to the diocese of Valva. See Mottola, "I frammenti," 100–104 ("frammento B"), with complete, much reduced facsimile on 118–19.

(iii) Vita s. Silvestri (B.H.L. 7726). Saec. XII¹. 1 damaged folio, mutilated so that some of the lower part of both columns is missing, 380 × 285 (width 202) mm., 2 cols., 34 of an estimated original 35 lines surviving. Presently serving as the cover of an inventory of property belonging to various churches in the diocese of Valva (fol. 1r: "Inventarium terrarum ecclesie Sancte Marie in terra aquarum 1492 die XXVI novembris XI indictione"). See Mottola, "I frammenti," 104–10, with complete, much reduced facsimile on 120–21.

ENGELBERG

Stiftsbibliothek: Cod. 28a (a miscellany of fragments), Nr. 5. Augustinus, *Tractatus in Iohannem* 26.4, 5. Saec. XI. A horizontal strip, 65 × 194 mm., parts of 2 cols. (width of 1 col. 93 mm.), 6 lines. Presently (May 1992) kept together with other fragments in an envelope labelled "Cod. 28a." (*Martin Steinmann*)

FARFA

Biblioteca dell'Abbazia: AB. F. 25. Vita s. Mauri discipuli s. Benedicti (B.H.L. 5773). Saec. XI¹. Part of 1 folio, 140 × 178 mm., 2 cols. (width of 1 col. 79 mm.), 15 lines surviving. Formerly serving as the cover of a volume; see the label pasted to the verso: "K/I/Arl (?)/De/Super/Nit/22."

FERENTINO

Archivio Storico e Notarile: S. N. (For our knowledge and photographic reproductions of these fragments, we are indebted to *dott.ssa Assunta Gori* and *dott. Raffaele Santoro*.)

(i) Missale (Dom. 12–13 p. Pent. cum festis sanctorum). Saec. XII.

Remains of a bifolium, 358 × 251 (height 309) mm., 2 cols. (width of 1 col. 82 mm.), 30 lines. Formerly serving as the cover of a volume (fondo diplomatico n. 54).

- (ii) Passio ss. Cypriani, Iustinae, Theoctisti (B.H.L. 2047). Saec. XI ex. 1 folio, tattered and stained, 248 × 295 (275 × ca. 189) mm., 2 cols., 29 lines. Formerly serving as the cover of a volume (fondo diplomatico n. 54, *not.* Giovanni Antonio Pasquali).
- (iii) 2 scraps, 50 × 55 mm. and 25 × 55 mm., with parts of 6 and 4 lines respectively of a Missale (s. Martini ep. Turon., with reading from Sulpicius Severus, *Vita s. Martini* 3) in Beneventan saec. XI, reinforce the binding at fol. 22 of Registro n. 7, B. 3 "Liber maleficiorum," saec. XV in., 8 April–31 July.
- (iv) A strip, 298 × 55 mm., with parts of at least 30 lines containing Beda, Homiliae in evangelia 2.2 in Beneventan saec. XI/XII, reinforces the binding of a volume (Sentenze, 1514–18, busta n. 128, registro n. 359).
- (v) A bifolium, the innermost of the quire and measuring 326 × 240 (285 × 198) mm., 38 long lines, contains Priscianus, Institutiones grammaticae 13.9–22 in ordinary minuscule with numerous marginal and interlinear glosses in Beneventan saec. XI. Presently serving as a cover of the "Liber camerariatus Dominici Aprili, 1546 novembre–1547, aprile 22" (busta 65, registro n. 148).

FLORENCE

Biblioteca Medicea Laurenziana: Acq. e doni 276, front flyleaves. Bruno ep. Signiensis, Commentarius in Iohannem 2.14.41 (Jo 14:23–31). Saec. XII. 1 damaged folio, folded, bound sideways, and numbered "I" and "II," ca. 287 × 198 (227 × 145) mm., 2 cols., 38 lines. From the same codex as Heidelberg, Universitätsbibliothek Heid. 3298, no. 23 (*The Beneventan Script*, 48) containing Bruno ep. Signiensis, Commentarius in Iohannem 2.14.41–3.15.43 (Jo 14:31–15:12). The Heidelberg fragment, which has been cropped at the top with the resulting loss of the first 4 lines of text, immediately follows the Florence leaf. Ms Acq. e doni 276 contains miscellaneous theological texts in various types of writing, saec. XII–XIV, and was acquired in 1911 from G. Panozzi.

FOLIGNO

Biblioteca "L. Jacobilli" del Seminario Vescovile: olim B IV 21, cover. Passio ss. Eugeniae, Prothi, Hyacinthi. Saec. XII. 1 damaged leaf, ca. 415 × ca. 240 (335 × 188) mm., 2 cols., 35 lines. Formerly serving

as a cover; now removed and kept separately in a folder on which is written "Folium scripturae beneventanae solutum ex manuscripto B.IV.21." MS B IV 21 contains miscellaneous humanist works.

FROSINONE

Archivio di Stato (Our knowledge of these fragments is owing to *Viviana Fontana*, *Raffaele Santoro*, and *Bonifacio Baroffio*. Photographs were kindly supplied by *dott. Raffaele Santoro*.)

Fondo pergamene

inv. 119 (196). Vita s. Melaniae iunioris (B.H.L. 5885). Saec. XI/XII. A scrap, 65 × 40 mm., parts of 8 lines. Removed from a volume of notarial records and now kept separately. Provenance: Amaseno, Archivio Notarile (*not.* Patritius Pesce, 1762–64). Apparently from the same codex as Frosinone, Archivio di Stato, Fondo pergamene, inv. 159 + inv. 160 (Brown II, 598, "inv. 158 + inv. 159"; for the new shelf marks of the Beneventan fragments at Frosinone described in Brown II, 596–98, see pp. 342–43 below).

inv. 269 (58/2). Breviarium (Dom. 4 Adv.). Saec. XII². A bifolium, trimmed, 163 × 128 (131 × 72) mm., 25 long lines. Removed from a volume of notarial records and now kept separately. Provenance: Paliano, Archivio Notarile (*not.* Giovanni Angeletti, 1553–63).

inv. 270. Antiphonale (Ded. ecclesiae). Saec. XI. A vertical scrap, 180 × 25 mm., parts of 7–8 lines of musical text. Removed from a volume of notarial records for the years 1527–28 and now kept separately. Provenance: Paliano, Archivio Notarile (*not.* unidentified).

inv. 271. Missale (Purif. B. V. M.; Septuag.). Saec. XIII. Remains of the lower part of a bifolium, ca. 110 × 151 (width ca. 110) mm., ca. 9 long lines surviving. Presently (June 1994) serving as a flyleaf of vol. n.º 9 (*not.* Jacobellus Augustini Paniscaldi, 1514–29) from the Archivio Notarile, Ceccano. From the same codex as Frosinone, Archivio di Stato, Fondo pergamene, inv. 132 (45) and inv. 143 (40) (Brown II, 596, 597, "45 [inv. 131]" and "40 [inv. 142]").

inv. 272. Lectionarium (Iohannes Chrysostomus, Hom. 3 de laudibus s. Pauli ap.). Saec. XII/XIII. Remains of 1 folio, 270 × 220 mm., 2 cols., 28 and 32 of 33 lines surviving. Presently (June 1994) serving as the cover of vol. n.º 8 (*not.* Alexander de Bellutiis, 1555–60) from the Archivio Notarile, Boville Ernica.

inv. 273. Missale (Pent.–Fer. 2 p. Pent.). Saec. XI². 1 folio, trimmed, 306 × 243 (265 × 225) mm., 2 cols. (width of 1 col. ca. 110 mm.), 22 lines surviving. Presently (June 1994) serving as the initial and

final flyleaves of vol. n.° 22 (*not.* Prudentius Polydorus, 1499–1503) from the Archivio Notarile, Veroli. From the same manuscript as Veroli, Archivio Capitolare S. N. (p. 341 below).

Sezione di Archivio di Stato Anagni-Guarcino

fram. 1 + 2. Passio ss. Quirici et Iulittae. Saec. XI². 2 mutilated and damaged folios, 233 × 172 (223 × 126) mm., 22 long lines surviving.

fram. 3. Gregorius Magnus, Homiliae in evangelium 33.5–6. Saec. XII. 1 folio, stained and trimmed, 322 × 247 (263 × 204) mm., 2 cols., 28 of an estimated original 34 lines surviving.

GENEVA

Bibliothèque Publique et Universitaire

Comites latentes 271. Sacramentarium Gregorianum mixtum (An-nunt.–Septuag.). Saec. XII². 4 scraps join to form a damaged strip measuring ca. 175 × 124 mm., outer of 2 cols. (*ut vid.*), 17 lines. Recovered from a binding. Lot 9 in the Sotheby sale of 6 December 1993.

Comites latentes 272. Augustinus, Tractatus in Iohannem 10.12, 13 and 11.2. Saec. XI. 4 scraps from the same folio, each scrap measuring 43 × 82 mm., parts of 2 cols., 5 lines. Other scraps from the same folio are Geneva, Bibliothèque Publique et Universitaire Comites latentes 224 (p. 343 below; and Brown II, 599) and London, Christopher de Hamel Collection ms 259 (p. 315 below). The new scraps in Comites latentes 272 formed part of lot 8 in the Sotheby sale of 6 December 1993 (the remaining 4 scraps which constituted this lot come from a different folio of the same codex and are described below under London/Oslo, The Schøyen Collection ms 1356).

GROTTAFERRATA

Biblioteca della Badia Greca: Crypt. B.a.I. *On fol. 100r, a note in Beneventan translates a passage from Isidorus Pelusiota, Epistula 4.225 (written in Greek saec. X ex.). See F. D'Oria, "Attività scrittoria e cultura greca in ambito longobardo (note e spunti di riflessione)," in Scrittura e produzione documentaria nel Mezzogiorno longobardo. Atti del Convegno internazionale di studio (Badia di Cava, 3–5 ottobre 1990), ed. G. Vitolo and F. Mottola (Cava, 1991), 138–39.*

GYÖR

Györi Egyházmegyei Könyvtár: Fragmentum lat. membr. Györ, VIII. b. 51. Beda in Lucam 3 (Lc 10:16–32?). Saec. XI. Bari type. 1 mutilated and damaged folio, almost illegible on the verso, 500 × 342 (377 × 238) mm., 2 cols., 55 lines. Formerly serving as a cover for a volume of printed works (VIII. b. 51: Iohannes episcopus Rossensis, *Assertionis Lutheranae confutatio* [Venice, 1526]; Ambrosius Catharinus, *Apologia pro veritate catholice et apostolice fidei ac doctrine adversus impia ac valde pestifera Martini Lutheri dogmata* [Florence, 1520]), with two *notae possessorum* on the first title page: “Ex libris fratris Blasij de Ragusio ordinis praedicatorum”; “Cath. Eccl. Jaurinensis.” A full description of the fragment will be published in *Mittelalterliche lateinische Handschriftenfragmente in Györ*, *Fragmenta et codices in bibliothecis Hungariae* 3 (forthcoming). († *Bernhard Bischoff*)

HERISAU

Paolo Francesco d'Aloisio Collection: S. N. Vitae sanctorum (Symphorosae et septem filiorum [B.H.L. 7971]; Praxedis [B.H.L. 6920]; Apollinaris [B.H.L. 623]). Saec. XI/XII. 1 folio, damaged on the verso, 565 × 374 (425 × 260) mm., 2 cols., 37 lines. Formerly serving as the cover of a register (“Assoluzioni 1548 . . .”) from a convent in Penne. Acquired in 1992. (*Paolo Francesco d'Aloisio*)

JENA

Thüringer Universitäts- und Landesbibliothek: Fragm. lat. 5. Homiliarium (Hieronimus in Matthaeum 4 [Mt 24:15–18] + 2 [Mt 13:37–43]). Saec. XII ex. 1 stained and mutilated folio, 310 × 205 (305 × 180) mm., 2 cols., 29 of 30 lines surviving. On the recto is the entry “Rom 1853” in the hand of Wolfgang Maximilian von Goethe (1820–83), grandson of the poet, who is known to have acquired manuscripts and printed books in Italy. († *Bernhard Bischoff*, *Irmgard Kratzsch*)

L'AQUILA

Archivio della Provincia S. Bernardino degli Abruzzi, Convento S. Bernardino: S. N. Graduale (Pent.). Saec. XII. 1 folio, trimmed and damaged, 262 × 191 (236 × 146) mm., 14 long lines of musical text. Provenance unknown. Presently (May 1994) on deposit at the Biblioteca del Convento di S. Giuliano, L'Aquila. (*Graziano Basciani*)

Biblioteca Provinciale

MS 644, front cover. Patristica (?). Saec. XII. Part of a very damaged folio, with one side mostly covered by a parchment pastedown, ca. 114 × 136 mm., parts of 2 cols. (width of 1 col. ca. 86 mm.), 7 and 12 lines surviving. The main manuscript contains Cherubino da Spoleto, *Regula de la vita spirituale*, in fifteenth-century writing.

Cinquecentine: 24 fragments from several manuscripts in Beneventan saec. XII and saec. XIII were discovered in May 1994 by sig. *Paolo Francesco d'Aloisio* in 8 printed volumes: Cinq. A 306; Cinq. A 318; Cinq. A 326; Cinq. A 555; Cinq. A 757; Cinq. A 768; Cinq. B 152; Cinq. C 194. The fragments were used for binding purposes and are often partly obscured by pastedowns; they will be described fully in "A Second New List of Beneventan Manuscripts (IV)" when the restoration process has been completed.

S. N. Vitae sanctorum (Pancratii [B.H.L. 6425]; Nerei et Achillei [B.H.L. 6058, 6059? 6060?]). Saec. XII. 2 folios, trimmed, 334 × 226 mm., 2 cols. (width of 1 col. 100 mm.), 36–37 lines surviving. Offsets from the same manuscript are visible on the recto (flesh side) of one folio (B.H.L. 6425) which also exhibits an ex libris on the verso: "Pertinet ad locum sancti angeli de ochea." A possible ex libris or *nota possessoris* of 2 lines on the verso (flesh side) of the other folio has been mostly erased; "de aquila" can be read at the end of the first line. Both leaves formerly served as covers. From the same manuscript as Naples, Biblioteca Nazionale VIII AA 30, front and back flyleaves (Brown II, 608) and S. N. (iii) (pp. 329–30 below), and New Haven, Yale University, Beinecke Library 528 (*The Beneventan Script*, 107).

LATINA

Archivio di Stato: Arch. Not. Priverno b. 1/107. Missale, with neumes (?; Epiph.). Saec. XII in. Scant remains of a bifolium, 204 × 92 mm., parts of 20 long lines. Formerly serving as a cover for a volume of notarial records from Priverno for the years 1509–28 (*not. Oddo de Oddonibus*). (*Giuseppe De Nardis*)

LONDON

British Library: Burney 284. Anastasius Bibliothecarius, *Chronographia tripartita*. Saec. XI/XII. 142 folios, 330 × 247 (250 × 164) mm., 2 cols., 34–36 lines. Later non-Beneventan entry now only partially legible on fol. 2r: "Hic li<ber est> Sancti S<eueri>ni de Neapoli . . . signatum

est littera n^o. . . ." Heavily annotated throughout by the Neapolitan humanist Gioviano Pontano. (*Michael Gullick, A. C. de la Mare*)

Christopher de Hamel Collection (Our knowledge of these items is owing to *Christopher de Hamel* who received them as a gift in 1993.)

MS 259. Augustinus, Tractatus in Iohannem 11.2. Saec. XI. A scrap, 38 × 75 mm., parts of 2 cols., 4 lines. From the same folio as Geneva, Bibliothèque Publique et Universitaire Comites latentes 224 (p. 343 below; and Brown II, 599) and Comites latentes 272 (p. 312 above). Other fragments from the same codex are London/Oslo, The Schøyen Collection ms 1356 (p. 317 below).

MS 260. Augustinus, Tractatus in Iohannem 26.7 (*vel* 26.8), 9. Saec. XII. A scrap, 35 × 57, parts of 2 cols., 1 line. Apparently the first line of the folio used to produce the binding fragment removed from Naples, Biblioteca Nazionale XV AA 1 (Brown I, 265, "Homiliarium"; and p. 348 below). Other fragments from the same codex are binding strips removed from Naples, Biblioteca Nazionale VI B 1, VI B 12, VI E 41 (Brown II, 607, 608), and VI B 9 (pp. 347–48 below).

Richard A. Linenthal Collection: S. N. Missale (Quadrag.). Saec. XII. A vertical scrap, 110 × 62 mm., part of 1 of 2 cols., 11 lines. Acquired in 1991. (*Richard A. Linenthal*)

LONDON/OSLO

The Schøyen Collection (Our knowledge of these items is owing to *Martin Schøyen* who kindly provided additional, detailed information.)

MS 51. Psalterium (Pss 27:1–30:20, 31:7–34:13, 37:19–38:9). Saec. XII in. 4 nearly complete bifolia from the same gathering (1 leaf of the central bifolium is missing) and the outermost bifolium from the following gathering, trimmed, ca. 230 × 135 (210 × 100) mm., originally 18 long lines. Acquired from Bernard M. Rosenthal. Other fragments from the same codex are London, Bernard Quaritch Ltd. (bifolium [Brown II, 602, no. xiv]); Palo Alto, Stanford University, Green Library M 389/5 (bifolium [Brown II, 610]); San Francisco, Bernard M. Rosenthal Collection S. N. (5 bifolia [Brown II, 615]); Tokyo, Keio University Library 170X9/3 (bifolium [Brown II, 617]); Tokyo, Toshiyutzi Takamiya Collection 30 (bifolium [Brown II, 617]). The Quaritch and Rosenthal fragments described in Brown II, 602 (xiv) and 615 now also form part of Schøyen ms 51. See Quaritch, *Bookhands IV*, pp. 26–28, no. 10, and color plate on p. 27 (Pss 34:27–35:6, 36:38–37:5).

MS 65. Vita s. Petri ep. Alexandrini (B.H.L. 6692). Saec. XII in. Bari type. A strip, 259 × 75 mm., parts of 2 cols., 30 lines. Lot 11 in the Sotheby sale of 22 June 1993 (with reduced facsimile of the recto in the sale catalogue). Other fragments from the same codex are the scrap used to repair fols. 1v–2v of Berlin, Staatsbibliothek Preußischer Kulturbesitz Lat. fol. 936 (*The Beneventan Script*, 24; and Brown II, 608) and the 51 scraps removed from Naples, Biblioteca Nazionale VI B 9 (Brown II, 607–8; and pp. 347–48 below). The Quaritch fragment described in Brown II, 601 (ii) (“Hagiographica [?]”) now also forms part of Schøyen MS 65. The Berlin and Naples scraps of this text listed or described in Brown II have been studied and transcribed by L. Cigolini, “Nuove testimonianze in scrittura beneventana: Napoli e Berlino,” *Studi medievali*, 3d ser., 33 (1992): 412–31; according to his findings, they constitute 3 folios. The new piece in Schøyen MS 65 (= lot 11 in the Sotheby sale of 22 June 1993) is by far the largest fragment of this codex presently located, and it forms part of Cigolini’s “fol. B.”

MS 71. Haymo in epistulam Pauli ad Romanos 8:26–32, 10:16–20. Saec. XII in. A bifolium, formerly the outermost of the quire, cropped at the top and mutilated so that part of the outer column of the second folio is missing, 351 × 241 (300 × 183) mm., 2 cols., 38 of 40 lines surviving. Lot 12 in the Sotheby sale of 22 June 1993. Offsets on fols. 1v–2r come from another bifolium at Trisulti (*The Beneventan Script*, 140) whose text immediately follows Schøyen MS 71 in the same quire. The Quaritch fragment described in Brown II, 602 (ix) now also forms part of Schøyen MS 71 and is the next bifolium of the same quire.

MS 183. Hegesippus, De bello iudaico 1.2.10, 3.5 (recto) and 1.1.7, 9 (verso). Saec. XI in. A damaged strip, 128 × 285 (width 222) mm., parts of 2 cols., 13 lines. Recovered from a binding. Acquired in 1988. Other fragments from the same codex are Montecassino, Archivio della Badia Compactiones III (1 folio) and VIII (ca. 70 folios and fragments; the Schøyen strip joins with one of these fragments). See Quaritch, *Bookhands IV*, pp. 9–10, no. 1, and plate on p. 8 (verso).

MS 235. Missale (Ded. ecclesiae, *ut vid.*). Saec. XIII. 4 strips reinforce the binding of a printed book (Edward Wotton, *De differentiis animalium* [Paris, 1552]), of which 3 exhibit Beneventan writing and measure ca. 70 × 80 mm., parts of 6–7 lines; the remaining scrap is blank. Acquired in 1989. See Quaritch, *Bookhands IV*, pp. 46–47, no. 23.

MS 1356. Augustinus, Tractatus in Iohannem 10.9, 10, 11, 12. Saec. XI. 5 scraps from the same folio, each measuring ca. 43 × ca. 82 mm., parts of 2 cols., 5 lines. 1 scrap was acquired from Sam Fogg in 1991 and 4 scraps formed part of lot 8 in the Sotheby sale of 6 December 1993 (the remaining 4 scraps in this lot come from a different leaf of the same codex and are now Geneva, Bibliothèque Publique et Universitaire Comites latentes 272, described on p. 312 above). Other fragments from the same codex are Geneva, Bibliothèque Publique et Universitaire Comites latentes 224 (p. 343 below; and Brown II, 599); London, Christopher de Hamel Collection ms 259 (p. 315 above).

MS 1587. Gregorius Magnus, Moralia in Iob 31.45.89–91. Saec. XI. 1 folio, 308 × 266 (259 × 190) mm., 2 cols., 29 lines. The recto was numbered “XXX” at the top by a later hand. Presently serving as the cover of a printed book (*Introductionis ad artem rhetoricam libri II ex Cicerone potissimum deprompti et ad puerorum usum accommodati* [Perugia, 1596]). Acquired in 1992 from Maggs Bros.

MS 1597. Antiphonale. Saec. XIII.

- (i) Fer. 3–4 ante Nat. Dni. 1 folio, trimmed on all sides so that the final letters at line-end are missing, 397 × 200 (282 × 173) mm., 8 long lines of musical text. Various late, non-Beneventan entries include (recto) “Decreti della Congregazione dal 1561 sino al 1564” and “1561 sino al 1564 / N.º 34.” Acquired in 1992. For other fragments from the same codex, see the following item and also a folio in Vatican City, Biblioteca Apostolica Vaticana Chigi S V 4, fasc. 11 (Dom. 2 p. Pasch., *inc.* “<Mercenn>arius est cuius”).
- (ii) Fer. 5–6 ante Nat. Dni. A strip, 199 × 54 mm., parts of 4 of 8 long lines of musical text. Lot 3 in the Sotheby sale of 17 December 1991; acquired in 1992 from Bernard Quaritch. Other fragments from the same codex are listed in the preceding item.

MS 1680. Evangelistarium (Lc 23:51–53; Mc 14:1–3, 4–11). Saec. XII. A vertical piece from the lower part of a very damaged folio, 171 × 120 mm., parts of 20 of an estimated original 24–25 lines. Lot 13 in the Sotheby sale of 22 June 1993.

MS 1681. Antiphonale (s. Gregorii Magni–Vig. s. Benedicti). Saec. XII². Part of 1 folio, 130 × 210 (width ca. 140) mm., 6 long lines of musical text surviving. Lot 14 in the Sotheby sale of 22 June 1993 with plate (detail of the recto).

- MS 1682.** Novum Testamentum (Apoc 11:6–12, 12:5–14:4). Saec. XII². 5 strips join to form part of the innermost bifolium of the quire (less than half of the inner column survives of the first leaf and the outer column of the second leaf is not complete), 380 × 200 (308 × estimated 190) mm., 2 cols., 32 lines. Removed from a binding. Lot 15 in the Sotheby sale of 22 June 1993.
- MS 1683.** Ps.-Chrysostomus, *Opus imperfectum in Matthaeum* 43. Saec. XII/XIII. A strip, 385 × 156 mm., outer of 2 cols. (300 × ca. 85 mm.), 30 lines. Removed from a binding. Lot 16 in the Sotheby sale of 22 June 1993.
- MS 1684.** Antiphonale (s. Sebastiani; s. Agnetis). Saec. XII. 1 folio, trimmed, 224 × 154 (159 × ca. 120) mm., 9 long lines of musical text surviving. Formerly serving as the cover of a volume. Lot 17 in the Sotheby sale of 22 June 1993.
- MS 1685.** Missale (Nat. apost.; Nat. plur. mart.; Nat. conf. sacerdotis). Saec. XIII in. 2 stained folios, 393 × 266 (305 × 175) mm., 2 cols., 32 lines. Formerly used for binding. Lot 18 in the Sotheby sale of 22 June 1993.
- MS 1778.** Priscianus, *Institutiones grammaticae* 17.8.54–9.57. Saec. XI ex. 4 scraps join to form a damaged strip, 217 × 87 mm., part of the outer of 2 cols., 31 lines surviving. Recovered from a binding. Lot 7 in the Sotheby sale of 6 December 1993.
- MS 1779.** Hieronymus, *Epistula* 21.8–9, 10, 13, 21, 25. Saec. XII/XIII. Remains of a bifolium, 192 × 145 mm., parts of 2 cols. (width of 1 col. 92 mm.), 17 lines. Lot 10 in the Sotheby sale of 6 December 1993 (reduced facsimile of fols. 2v and 1r in the sale catalogue). For another fragment and offsets from the same bifolium, see Naples, Biblioteca Nazionale XV AA 18 (described on p. 328 below).
- MS 1780.** Hymnarium (s. Bartholomaei ap. [Chevalier 7180]; Decoll. s. Iohannis Baptistae [Chevalier 915]). Saec. XII/XIII. 2 scraps join to form the largest part of a folio, 130 × 136 mm. (ca. 102 × 62) mm., 15 long lines. Recovered from a binding. Lot 11 in the Sotheby sale of 6 December 1993.

LUCCA

- Archivio di Stato: Fragmenta Codicum 263.** Novum Testamentum (Jo 4:19–40). Saec. XI ex. 1 folio, formerly used as a cover, 343 × 234 (260 × 169) mm., 2 cols., 25 lines. Presently (May 1994) kept in Fragmenta Codicum, cartella 3. (*Giorgio Tori*)

Biblioteca Statale: 1781. *Rituale*. Saec. XII¹. Provenance: Convento di S. Maria Corteorlandini, Lucca.²

LUCERNE

Staatsarchiv: PA 1034/21006. *Missale* (Sabb. ebd. 5 Quadrag.; Dom. in Palmis). Saec. XI. Bari-type features. A damaged bifolium, mutilated so that the outer column of fol. 2 is missing, 427 × 302 (304 × ca. 200) mm., 2 cols., 30 lines. Formerly serving as the cover of a volume (Lucerne, Staatsarchiv KU 763) from the Cistercian monastery of St. Urban, Lucerne. From the same gathering as Lucerne, Stiftsarchiv S. Leodegar 1912 (bifolium) (*The Beneventan Script*, 54). Other fragments from the same codex (*The Beneventan Script*, 119, 178) are Peterlingen, Stadtarchiv S. N. (5 fols.); Zürich, Staatsarchiv W 3 AG 19 (fasc. III) (10 fols.); Zürich, Zentralbibliothek Z XIV 4, nos. 1–4 (4 fols.). See P. Ladner, "Ein neues Messbuchfragment in beneventanischer Schrift: Zur Rekonstruktion eines liturgischen Denkmals," in *Das Denkmal und die Zeit: Alfred A. Schmid zum 70. Geburtstag gewidmet von Schülerinnen und Schülern, Freunden und Kollegen*, ed. B. Anderes et al. (Lucerne, 1990), 171–78 and plate (reduced, fols. 1v–2r) on 172. († *Bernhard Bischoff*)

MATERA

Archivio Diocesano: Frammenti (61 fragments removed from 21 different manuscripts and now kept separately). (Our knowledge of these items is owing to *don Egidio Casarola* and *prof. Giuseppe Pupillo*.)

1 + 10. *Augustinus, Tractatus in Iohannem* 31.9–10, 32.6–7 (framm. 10); 116.5–9 (framm. 1). Saec. XII. Bari type. 2 folios, 346 × 243 (254 × 177) mm., 2 cols. 30 lines; foliated by a later hand in the top inter-columnar space as "134" (framm. 10) and "194" (framm. 1). Formerly serving as covers of registers for the years 1581 (framm. 1, paper label) and 1605 (framm. 10, paper label and marginal entry "Brun. min. 1605").

2–4. *Vitae sanctorum* (framm. 2–3: *Caeciliae* [B.H.L. 1495]; framm. 4: *Agathae* [B.H.L. 133], *Matthiae* ap. [B.H.L. 5695]). Saec. XII. A mutilated and stained bifolium (B.H.L. 133, 5695), the innermost of the quire, and 2 stained folios (B.H.L. 1495), 322 × 196 (230–245 × 160) mm., 2 cols., 28–29 lines. Formerly serving as covers of registers for the years 1606 (framm. 3, entry on the recto) and 1608 (framm. 4,

² An edition and study of this manuscript is being prepared by Neil J. Roy, Centre for Medieval Studies, Toronto.

entries on fol. 1r of the bifolium). To judge from the catchword, framm. 2 was the last folio of the quire.

- 5 + 36 + 44–46. Homiliarium (framm. 5: Gregorius Magnus, Homiliae in evangelia 22.8–9 and 26.1; framm. 36: Theodorus Studita, Sermo de vita et translatione s. Bartholomaei apostoli in Liparim and ?; framm. 44: Gregorius Magnus, Homiliae in evangelia 30.6–10; framm. 45: Ps.-Chrysostomus, Opus imperfectum in Matthaëum 42, Ps.-Hilarius Pictaviensis, Sermo de paralytico [A. Mai, *Nova patrum bibliotheca* 1 (Rome, 1852), 490 = Machielsen 5211], and Hilarius Pictaviensis in Matthaëum 8:4–7; framm. 46: ? and Maximus ep. Taur., Serm. 6 and ?). Saec. XI ex. Bari-type features. A bifolium (framm. 36), much rubbed on the flesh side, and 4 folios (framm. 5, 44–46), 365 × 280 (283 × 205) mm., 2 cols., 36 lines. Formerly serving as covers of registers for the years 1556 (framm. 5 and 44, paper labels), 1576 (framm. 46, paper label), 1585 (framm. 36, entry on the flesh side, “Liber 2^{us} Legatorum / decani Trifonii. ab anno 1585. / Scarsia 6. Fascio 4”), and 1638 (framm. 45, paper label).
- 6 + 28 + 50 + 54. Haymo in epistulas Pauli (framm. 28: in 2 Cor 10:4[?]-17; framm. 6, 50, 54: in Eph 5:5[?]-25, 6:23; framm. 54: in Phil 1:1-8). Saec. XII in. 4 folios, of which 2 are consecutive (framm. 6, 50), all much worn on one side, 401 × 267 (320 × 181) mm., 2 cols., 40 lines. Formerly serving as covers of registers for the years 1591 (framm. 6, 3 paper labels: “1591,” “Sasso / Barisano / 1590 al 1600,” “Barisano 1591 a 1600”; framm. 50, 2 paper labels: “1591,” “Offerta / 1590 al 1600”), 1593 (framm. 28, paper label), and 1640 (framm. 54, paper label).
7. Commentarius in Lucam 2:7–49. Saec. XII. 1 folio, 363 × 281 (278 × 198) mm., 2 cols., 43 lines. Formerly serving as the cover of a register for the year 1575 (2 paper labels: “1575,” “Offerta 1571 a 1580”).
- 8 + 29–31 + 37 + 48. Palimpsest (mostly); upper script, written parallel to the lower script, is Beneventan saec. XIII, Bari type, and contains Vitae sanctorum (framm. 37: Pauli erem. [B.H.L. 6596]; framm. 31: Mariae Aegypt. [B.H.L. 5417a]), Vitae patrum 3.38–43, 65–75 (framm. 8), 4.15–17, 52–55 (framm. 29), and Rufinus, Historia monachorum 1 (framm. 48). 3 bifolia (framm. 8, 29, 31) and 3 folios (framm. 30, 37, 48), 356 × 275 (ca. 280 × ca. 200) mm., 2 cols., 29–35 lines. Framm. 8, 29, 31, and 48 are palimpsest; lower script, vigorously erased, is Beneventan saec. XI, Bari type, written space 319 × 197 mm., 2 cols., 36 lines. Formerly serving as covers of

registers for the years 1589 (framm. 31, 2 paper labels: "1589," "Offerta / 1581 al 1590"), 1595 (framm. 29, entry on fol. 1r; framm. 30, 2 paper labels: "1595," "Bruna Magg^e / 1591 al 1600"), 1597 (framm. 8, 2 paper labels: "1597," "Caveoso / 1591 al 1600"), 1643 (framm. 37, paper label), and 1659 (framm. 48, paper label).

9. Anastasius Bibliothecarius, *Chronographia tripertita*. Saec. X/XI. A bifolium, heavily stained, 336 × 241 (263 × ca. 180) mm., 2 cols., 28 lines. Formerly serving as the cover of a register for the year 1551 (paper label). From the same codex as Altamura, Archivio Biblioteca Museo Civico, fondo Sabini, Perg. 1 (described on p. 303 above, with relevant bibliography).
- 11–13 + 27. Bruno ep. Signiensis, *Commentarius in Exodum* 12:12–19 (framm. 11), 19:12–19, 20:18–26 (framm. 13), 23:31–24:5, 25:20–25 (framm. 27), 26:15–28 (framm. 12). Saec. XII. 2 bifolia (framm. 13, 27) and 2 folios (framm. 11, 12), 329 × 240 (264 × 174) mm., 2 cols., 34–35 lines. Formerly serving as covers of registers for the years 1578 (framm. 11, paper label), 1579 (framm. 12, paper label "1571" and marginal entry "Brun. min^{ri}"; framm. 13, 3 paper labels: "1579," "Caveoso / 1571 al 1580" with date corrected to "1579," "Caveoso dal 1571. / al 1580" with date corrected to "1579"), 1580 (framm. 27, paper label).
- 14–22 + 58–61. *Biblia*. Saec. XI. 2 bifolia (framm. 17, 58) and 10 folios (framm. 14 + 15, 16, 18–22, 59–61), all damaged, 390 × 288 (315 × 220) mm., 2 cols., 30–33 lines.

Vetus Testamentum: Gen 31:32–32:5, 36:13–37:6 (framm. 58); 2 Sam 11:8–12:10 (framm. 18), 19:35–20:21 (framm. 60); Tob 1:1–2:8, cum prologo Hieronymi (framm. 59); Job 28:27–30:27 (framm. 14 + 15 = upper and lower parts of 1 folio, ca. 3 lines missing), 34:17–38:31 (framm. 61, 16); Cant 5:17–8:13 (framm. 17, fol. 1r–v); Sap 11:26–13:10 (framm. 17, fol. 2r–v); Eccli 14:20–16:22 (framm. 19).

Novum Testamentum: Act 7:20–8:2 (framm. 22); 2 Tim 1:5–3:2 (framm. 21); Tit 1:1–3:9, cum capitulo (framm. 20). Formerly serving as covers of registers for the years 1582 (framm. 19, 2 paper labels: "1582," "<Cav>eo<so>"), 1582–83 (framm. 59, paper label "1582" and the entry on the verso "1583. Quinterno magior"), 1583 (framm. 14 + 15, the entry "1583 / Sasso Barisano" on framm. 15 and 2 paper labels on framm. 14: "Sasso / Barisano / 1581 al 1590," "Barisano 1581 a 1590"; framm. 16, paper label and the entries "Quinterno dell'Offerta," "<O>ffertorium 1583"; framm. 18, paper label), 1585 (framm. 17, paper label), 1586 (framm. 20, paper label and

- the entry "Quinterno Barisano"; framm. 21, paper label and the entry "Quinterno Caveoso"), 1587 (framm. 22, paper label and the entry "1587 / Quinterno del Sasso Baris<ano>"), 1589 (framm. 60, paper label "<?> Maggiore / 1589"), 1653 (framm. 58, paper label).
- 23-24. Homiliarium (Gregorius Magnus, Homiliae in evangelia 34.4-6, 15; ?; Ps.-Hilarius, Homilia in Lucam 5:1 [*Flor. cas.* 2:136-37, cum additionibus = Machielsen 178, 5212]). Saec. XI ex. Bari type. 2 fragments join to form a mutilated and damaged bifolium; the more complete folio measures ca. 344 × 245 (ca. 257 × ca. 187) mm., 2 cols., 32 lines. Formerly serving as the cover of a register for the year 1539 (framm. 23, paper label "Bruna / 1539").
- 25-26 + 51. Commentarius in Apocalypsim 9:1-9 (framm. 26), 9:19-12:4, 13:2-11 (framm. 51, 25). Saec. XII. 2 bifolia (framm. 25, 51) and 1 folio (framm. 26), all mutilated and damaged, 353 × 272 (285 × 214) mm., 2 cols., 30 lines. Formerly serving as covers of registers for the years 1584 (framm. 25, paper label and the entry "Quinterno dell'Offerta") and 1659 (framm. 26, paper label).
- 32-34. Homiliarium (framm. 32: Hieronymus in Matthaeum 2 [Mt 14:27-33], Beda in Marcum 2 [Mc 6:47-48]; framm. 33: Hieronymus in Matthaeum 1 [Mt 4:8-11], Ps.-Leo, Sermo de Pascha [= Machielsen 5530]; framm. 34: Gregorius Magnus, Homiliae in evangelia 16.5-6, Epiphanius, Sermo 38, Ps.-Origenes, Homilia in Matthaeum 12:38-50 = PLS 4:892-93, no. 8). Saec. XII. A mutilated and stained bifolium (framm. 34, probably the outermost of the quire), and 2 folios (framm. 32, 33, apparently separated leaves of the same bifolium), 342 × 245 (236 × 180) mm., 2 cols., 30 lines; foliated by a later hand in the top intercolumnar space as "14" (framm. 33), "17" and "24" (framm. 34, fols. 1r and 2r). Formerly serving as covers of registers for the year 1610 (framm. 32, 3 paper labels: "1610," "1610 / Cera," "Bruna Minore / Cera / 1601 al 1610" with date corrected to "1610"; framm. 33, 2 paper labels: "1610," "Bruna Minore / Esito ed introito / 1601 al 1610" with date corrected to "1610"; framm. 34, "1610" written on fol. 1r).
35. Augustinus, Tractatus in Iohannem 106.3-5. Saec. XII in. Bari type. 1 folio, trimmed and damaged on the flesh side, 309 × 211 (260 × 177) mm., 2 cols., 33 lines. Formerly used as the cover of a register for the year 1577 (paper label).
- 38-41. Vitae sanctorum (Mercurii [B.H.L. 5933]; Petri ep. Alexandrini [B.H.L. 6692]). Saec. XII. 4 consecutive bifolia (textual order: 40, 41, 39, 38) which presumably constitute a complete quire: 322 × 205

- (230 × 150) mm., 2 cols., 28 lines. Formerly serving as covers of registers for the year 1609 (framm. 38, 2 paper labels: "1609," "Bruna Maggiore / <1601> al 1610" with date corrected to "1609"; framm. 39, paper label; framm. 40, paper label; framm. 41, 2 paper labels: "1609," "Offerta / 1601 al 1610" with date corrected to "1609").
- 42–43. Remigius Autissiodorensis (?) in Matthaeum 10:16–18 (framm. 42), 12:44–47 (framm. 43). Saec. XII. Bari type. 2 folios measuring (framm. 42) 400 × 270 (305 × 185) mm., 2 cols., 40 lines and (framm. 43, trimmed) 315 × 203 mm., 2 cols., 38 lines surviving; numbered by a later hand in the top intercolumnar space as "Oml. 37" (framm. 42) and "48" (framm. 43); foliated (?) by a later hand in the outer margin as "10" (framm. 42). Formerly serving as covers of registers for the years 1570 (framm. 42, paper label) and 1588 (framm. 43, paper label).
47. Vitae sanctorum (Sebastiani [B.H.L. 7543]). Saec. XI ex. 1 folio, trimmed, 324 × 245 (268 × 182) mm., 2 cols., 33 lines. Formerly serving as the cover of a register (2 paper labels: "1583," "Caveoso dal 1581. / al 1590." with date corrected to "1585").
- 49 + 52. Commentarius in Genesim 41–49. Saec. XII. 2 mutilated bifolia, 301 × 192 (275 × 195), 2 cols., 29 lines surviving; numbered by a later hand on the recto of each leaf above the inner column: "41," "49" (framm. 49); "42," "49" (framm. 52). Formerly serving as covers of registers for the years 1538 (framm. 52, paper label) and 1563 (framm. 49, 2 paper labels: "1563," "Offerte / di diversi anni del 1500" [di . . . 1500 *canc.*]).
53. Augustinus, Tractatus in Iohannem 121.5–122.3. Saec. XII. Bari type. 1 folio, much rubbed on the flesh side, 395 × 262 (295 × 176) mm., 2 cols., 40 lines. Formerly serving as the cover of a register for the year 1515 (paper label).
55. Vetus Testamentum (Os 11:9–13:13). Saec. XII². Bari-type features. 1 folio, trimmed and stained, 374 × 220 (285 × 163) mm., 2 cols., 29 lines. Formerly serving as the cover of a register for the year 1629 (paper label).
56. Hagiographica (*ut vid.*). Saec. XII in. 1 mutilated folio, rubbed on the flesh side, 305 × 205 (248 × 183) mm., 2 cols., 31 lines. Formerly serving as the cover of a register for the year 1596 (paper label).
57. Homiliarium (Fulgentius, Sermo 4.10–11; Gregorius Magnus, Homiliae in evangelia 10.1–3). Saec. XI ex. 1 mutilated leaf, badly

rubbed, 298 × 171 (260 × 168) mm., 2 cols., 29 lines. Formerly serving as the cover of a register (late entry on hair side: "Ciuita ___ Barisano [?] / ___ oso").

MILAN

Biblioteca Nazionale Braidense: AN.XVI.16, cover. Missale (Fer. 3–4 p. Pent.). Saec. XIII. 1 folio, trimmed and rubbed, 313 × 251 (293 × 200) mm., 2 cols., 23 lines. The main text contains Johannes Duns Scotus, *Quaestiones in Analytica posteriora Aristotelis* (Venice, 1497); a former shelf mark "B.2.or.4" is visible on the outside front cover. On fol. a1^r is the ex libris "Hic liber ad usum fratris Gentiani (?) de Luca (?) est" in later non-Beneventan writing. Provenance: Milan, Biblioteca del Convento di S. Angelo (stamp on fol. al^r: "S.A.L." = "Sancti Angeli Loci"). See M. L. Grossi Turchetti, "Un altro frammento in scrittura beneventana alla Braidense," *Libri & documenti* 17.2 (1992): 63–65 and 2 plates (front and back inside cover = recto). (*Maria Luisa Grossi Turchetti*)

MOLFETTA

Archivio Capitolare: Antifonari 4, 6, 7, 8. These manuscripts, in Gothic writing, have been variously repaired with scraps from several Beneventan codices. The scraps are grouped below according to their palaeographical and textual affinities. (Our knowledge of these fragments is owing to *dott.ssa Clelia Gattagrisi* who has published a brief description; see her "Nuovi frammenti in beneventana in Terra di Bari [Molfetta, Bisceglie]," in *Scrittura e produzione documentaria nel Mezzogiorno longobardo. Atti del Convegno internazionale di studio [Badia di Cava, 3–5 ottobre 1990]*, ed. G. Vitolo and F. Mottola [Cava, 1991], 125–28. Dott.ssa Gattagrisi plans a further, detailed study.)

- (i) *Novum Testamentum* (Judae 3–17). Saec. XII. Bari type. A strip in Antif. 4 (fol. 28r), 202 × 70 mm., parts of 20 lines.
- (ii) *Gregorius Magnus, Moralia in Iob* 5.34.63. Saec. XII. Bari type. A scrap in Antif. 4 (fol. 64r), 46 × 92 mm., parts of 5 lines.
- (iii) *Liturgica* (?). Saec. XII ex. (*ut vid.*). A strip in Antif. 4 (fol. 65r), ca. 150 × 57 mm., parts of at least 16 lines; partially covered by a parchment pastedown with offsets perhaps in Beneventan. On fol. 122v of Antif. 4 there is an offset of an unidentified text, 40 × 75 mm., parts of 5 lines, which may come from the same Beneventan codex.

- (iv) *Lectionarium*. Saec. XII. 3 scraps in Antif. 4 (fols. 91r [Sap 5:3–5; Col 1:26], 130r [?]) and Antif. 8 (fol. 174v [Jer 11:20; Phil 2:5]), the largest measuring 184 × max. 90 mm., parts of 12 lines.
- (v) *Lectionarium hagiographicum* (Vita s. Petri ep. Alexandrini [B.H.L. 6693]; *Augustinus, Tractatus in Iohannem* 7.11). Saec. XII. A horizontal strip from a bifolium in Antif. 6 reinforcing the binding between fols. 8v and 9r, with part of the lower outside edge of a leaf of the bifolium pasted down on fol. 1r: max. 97 × 280 mm., 2 cols. (width of 1 col. 95–101 mm.), 11 lines surviving.
- (vi) *Psalterium et Orationale*. Saec. XII². Bari type. *Psalterium* (Pss 30:11–12; 30:16–18, 30:19–20, 30:23–31:1; 93:22–23; 94:7–8; 95:4; 104:7–8, 12–24): 7 scraps in Antif. 6 (fol. 162r) and Antif. 8 (fols. 72v [top and middle strips], 73v, 74r, 170r–v), the largest measuring 184 × 96 mm., parts of 20 lines; offset from the upper part of a folio in Antif. 7 (p. 47), 46 × ca. 73 mm., parts of 3 lines. *Orationale* (Nat. Dni; s. Stephani): part of the outer edge of 1 folio in Antif. 6 (fol. 162v), 179 × 96 mm., parts of 16 lines. Antif. 8 may contain 3 more fragments (unidentified text) from the same Beneventan codex: fol. 73r, scrap from the outer edge of a leaf, 14 × 50 mm., part of 1 line; fol. 74v, 2 scraps, 9–10 × 38.5–37 mm., parts of 2 and 1 lines.
- (vii) *Benedictio sanctimonialium virginum* (*Oratio pro consecratione velaminis*). Saec. XII/XIII. Bari type. 2 scraps in Antif. 7 (pp. 71, 76), 24–32 × 45–49 mm., parts of 3 lines.
- (viii) *Pange lingua*, with neumes (Chevalier 14467). Saec. XIII ex. Bari type. A strip in Antif. 7 (p. 179), 65 × 45 mm., parts of 2 lines of musical text. Possibly from the same codex is a strip (*Liturgica*, with neumes) in Antif. 4 (fol. 141r–v): 140 × 55 mm., parts of 5 lines of musical text.
- (ix) *Psalterium* (Pss 24:19–22; 77:24–28, 33–38). Saec. XI/XII. Bari type. 3 scraps, rewritten or damaged, in Antif. 8 (fols. 20r, 37r, 137r–v), the largest measuring 111 × ca. 55 mm., parts of 12 lines.
- (x) *Augustinus, Tractatus in Iohannem* 26.19. Saec. XIII ex. Bari type. A strip in Antif. 8 (fol. 72v), ca. 209 × 107 mm., parts of 19 lines; partially covered by a parchment pastedown.
- (xi) *Beda, Homiliae in evangelia* 1.11. Saec. XI. Bari type. An offset and damaged scrap in Antif. 8 (fol. 204v), measuring respectively 47 × 95 mm., parts of 3 lines and 56.5 × 55 mm., parts of 6 lines.

- (xii) Unidentified scraps, with undetermined dates, in Antif. 8: fol. 46r (offset), 9 × 60 mm., part of 1 line; fol. 47r, 38 × 9 mm., parts of 2 lines; fol. 58r, 89 × 46 mm., parts of 7 lines; fol. 138r, 16 × 97 mm., parts of 2 lines.

MONTECASSINO

Archivio della Badia: Compactiones XVI. Oratio sollemnis (Fer. VI in Parasc.). Saec. XIII in. A piece from a liturgical roll: trimmed and now measuring 273 × 202 (228 × 197) mm., with writing originally on the flesh side only in 11 long lines (ruled for 12). Formerly used as a cover of a document once in Archivio della Badia, Aula II: Caps. XXV, and now transferred to Caps. XXVI; see the various later non-Beneventan entries on the verso (hair side) of the fragment: "In die veneris Sancta"; "Visitatio facta in Ciuitate Capuae / in anno 1571"; (modern, in pencil) "dal monastero di S. Giovanni di Capua / Caps XXV." See R. F. Gyug, "A Fragment of a Liturgical Roll at Montecassino (Compactiones XVI)," *Mediaeval Studies* 52 (1990): 268–77 and 2 plates (recto and verso). (*Richard F. Gyug*)

MONTEVERGINE

Biblioteca dell'Abbazia: Perg. 6518. Gratianus, Decretum C.2 q.7 c.58–q.8 c.3, C.2 q.8 c.5–C.3, C.3 q.1 c.2–c.5, C.3 q.1 c.6–q.2 c.5. Saec. XIII. Part of 1 folio, 270 × 202 (184 × 176) mm., 2 cols., 43 lines surviving. A later non-Beneventan entry on the verso reads "Ego frati colubanus del patula mociro e santula _____ de la Padula (?)." Removed in 1993 from Montevergine ms 9, where it was pasted to the inside back cover which still preserves an offset of the recto. The main manuscript contains various theological works in Gothic writing, with ex libris on fol. 1r (cropped: "Iste liber est domus . . ."), fol. 1v (cropped: ". . . beati francisci sub"), and fol. 70v (in the Gothic hand of the scribe: "Iste liber est monasterii Sancti laurencii de padula ordinis cartusiensis . 66 ."). See G. Mongelli, "I codici dell'Abbazia di Montevergine," *Archivi: Archivi d'Italia e rassegna internazionale degli archivi*, 2d ser., 26 (1959): 177–78.

NAPLES

Archivio di Stato: Sezione amministrativa, Dipendenze della Sommaria, II^a Serie, fasc. 53/91, cover. Antiphonale (Annunt.–Septuag.; Sexag.). Saec. XII/XIII. A bifolium, trimmed, 304 × 225 (277 × 154) mm., 11 long lines of musical text. Presently (January 1989) serving as the cover of a volume of notarial records for the year 1505; see

fol. 1r: "Dogane di Abruzzo. Libro della dogana delle pecore di Abruzzo, a. 1505." († *Jole Mazzoleni, Fausto De Mattia*)

Biblioteca Nazionale

IV G 61, front and back pastedowns. Vita s. Mauri discipuli s. Benedicti (B.H.L. 5773). Saec. XI. 1 folio, cut in two and pasted to the inside front and back covers; each fragment presently measures ca. 153 × 222 (115–144 × 215; estimated original height ca. 280) mm., 2 cols., 24 of an estimated original 26–27 lines surviving. On the inside back cover is the entry "Iste liber est ad usum mei fratris _____" ("Iohannis de Capistrano" written over the original name) _____. For the main manuscript (provenance: Capestrano, Convento di S. Francesco), in fifteenth-century writing, see Cenci 1:186.

V C 31, front flyleaf. Vetus Testamentum (Ex 26:23–29, 26:30–35, 26:36–27:4, 27:6–11). Saec. X ex. Part of 1 folio, perhaps used formerly as a pastedown, 230 × 172 mm., parts of 2 cols. (width of 1 col. 93 mm.), 24 of an estimated original 30 lines surviving. For the main manuscript (provenance: Capestrano, Convento di S. Francesco), copied in 1338 according to the colophon on fol. 130vb, see Cenci 1:201–2.

V H 1, front and back pastedowns (for the main manuscript [provenance: Sulmona, Convento di S. Nicola], in fifteenth-century writing, see Cenci 1:217):

(i) (fragment pasted to the front inside cover) Gregorius Magnus, Homiliae in evangelia 29.1, 2. Saec. XI. Bari-type features. Part of 1 folio, stained, 219 × 145 mm., parts of 2 cols., 25 lines.

(ii) (fragment pasted to the back inside cover) Augustinus, Tractatus in Iohannem 105.5–6. Saec. XI. Part of 1 folio, 218 × 158 (200 × 129) mm., parts of 2 cols., 23 lines.

VII A 32. Palimpsest; lower script of fols. 34–88, 2 back flyleaves (also palimpsest) numbered "I" and "II", and the pastedown conjugate with "II" is Beneventan saec. XIII² (Antiphonale) written at right angles to the upper text. 295 × 216 (255 × 164) mm., 9 long lines of musical text surviving. For the main manuscript (provenance: Naples, Convento di S. Giovanni a Carbonara), in fifteenth-century writing, see Cenci 1:381.³

VII AA 31, binding scraps. Patristica (?). Saec. XII. 2 scraps, 49 × 68 mm. and 38 × 86 mm., parts of 5 and 3 lines surviving respectively.

³ I am preparing a study and edition of this manuscript.

Removed from the binding and kept separately in an envelope. For the main manuscript (provenance: Naples, Convento di S. Domenico Maggiore?), in fourteenth-century writing, see Cenci 1:386–87.

- VII D 23**, front and back pastedowns. Gregorius Magnus, *Homiliae in evangelia* 35.3. Saec. XI. Part of 1 folio, cut in two and pasted to the inside front and back covers; each fragment presently measures 142 × 210 mm., parts of 2 cols. (width of 1 col. 107 mm.), 29 lines surviving in all. On the outside back cover is the entry “Ad fratrem Alexandrum in s. Bernardino Aquile.” For the main manuscript, in fifteenth-century writing, see Cenci 1:463.
- VIII AA 1**, fols. 113vb.18 (*Et quia*)–121v. *Homiliarium* (Ambrosius Autpertus, *Sermo in purificatione sanctae Mariae* 2–18; Beda in *Lucam* 1 [Lc 2:22]). Saec. XII. The rest of the manuscript is written in contemporary ordinary minuscule. See R. Étaix, “Nouvelle édition des sermons XXI-XXII de saint Chromace d’Aquilée,” *Revue bénédictine* 92 (1982): 106 n. 6. (Raymond Étaix).
- VIII D 38**, back flyleaves. *Vitae sanctorum* (Thomae ap. [B.H.L. 8136]; Gregorii Spoletini [B.H.L. 3677]). Saec. XII. A bifolium, the innermost of the quire, 325 × 229 (260 × 183) mm., 2 cols., 28 lines. For the main manuscript (provenance: Aquila, Convento di S. Bernardino), in fourteenth- and fifteenth-century writing, see Cenci 2:833–34.
- XV AA 18**. A scrap from a bifolium in Beneventan saec. XII/XIII containing Hieronymus, *Epistula* 21.25 glued to a pastedown on the former wooden cover of the manuscript (a large antiphonale in Gothic writing from the monastery of S. Maria di Monteoliveto, Naples, which was rebound between 1967 and 1989; the former wooden cover is now kept separately): 38 × 29 mm., parts of 4 lines. 2 offsets from the same bifolium are preserved on the wooden cover: height 300 mm. and ca. 200 mm., 2 cols. (width of 1 col. ca. 91 mm.), 14 and 11 lines surviving respectively. Part of the inner column of the larger offset (*Epistula* 21.24–25, 28) reproduces the text of the scrap. The smaller offset contains *Epistula* 21.9–10, 11. Another fragment from the same bifolium (with text often consecutive) is London/Oslo, The Schøyen Collection MS 1779 (described on p. 318 above). For the main text in Naples MS XV AA 18, see R. Arnese, *I codici notati della Biblioteca Nazionale di Napoli* (Florence, 1967), 186–88.
- S. N.** Fragments from three manuscripts have been recovered from the bindings of various, mostly unknown volumes; formerly preserved in two envelopes stored in “cassaforte n° 9,” they are now

(May 1993) kept together in a single envelope placed in the “camera blindata.”

- (i) Isidorus, *Etymologiae* 8.11.11–32. Saec. XI. 1 folio, stained, 305 × 225 (249 × 190) mm., 32 long lines. From the same manuscript as the fragment (*Etymologiae* 12.4.40–45, 12.5.1–9) bound into Dubrovnik, Naučna Biblioteka Incunabulum 68 (*The Beneventan Script*, p. 38).
- (ii) *Homiliarium* (Augustinus, *Tractatus in Iohannem* 31.11; 28.1–3). Saec. XII². 1 mutilated folio, 424 × 287 (336 × 200) mm., 2 cols., 32 lines. Formerly serving as the cover of a printed book; the cropped paper labels pasted to the flesh side read (from top to bottom): “Co<m>pilatio Decretalium G<regori> / noni Quinterni 37 fog / stampato in Venetia 14< > / coperta”; “Co<m>pilatio decretalium Grego<ri>”; “Compilatio decretalium Gre- / gorii Noni per Nicolaum Ienson / Venet. / 1479.” A connection has yet to be established between this fragment and the copy of the 1479 Jenson edition in the Biblioteca Nazionale, Naples, kindly located by *dott. Stefano Palmieri* (present shelf mark: S.Q. IV I 4; saec. XIX binding).
- (iii) *Vitae sanctorum*. Saec. XII. Other fragments from the same manuscript are L'Aquila, Biblioteca Provinciale S. N. (p. 314 above); Naples, Biblioteca Nazionale VIII AA 30, front and back flyleaves; New Haven, Yale University, Beinecke Library 528 (Brown II, 608).
 - (a) *Vita Iohannis ap. ante Portam Latinam* (B.H.L. 4321, 4319); *Inv. Michaelis archang.* (B.H.L. 5948). 2 fragments join to form 1 folio, 447 × 309 (384 × 221) mm., 2 cols., 43 of 45 lines surviving. Nearly illegible offsets from the same manuscript are visible on the top and bottom of the verso.
 - (b) *Passio Petri et Pauli* (B.H.L. 6668, 6659). B.H.L. 6668: upper part of 1 damaged and stained folio, 385 × 307 (349 × 219) mm., 2 cols., 37 lines surviving; pasted to the verso are 7 small strips of varying sizes from the same manuscript, parts of (from top to bottom) 3, 2, 2 (*Passio Vitalis et Agricolae, ut vid.*), 2 (*Passio Nicandri, Marciani et soc., ut vid.*), 10, 1, 4 lines. B.H.L. 6659: remains of 1 damaged folio, mutilated so that most of the inner column is lost, joins with a scrap from the bottom of the outer column of the same folio to form a leaf measuring 467 × 220 mm., 2 cols., 45 lines. Both recto and verso of the larger piece exhibit pastedowns: (recto) 4 small strips from the same manuscript, max. 41 × max. 97 mm., parts of 2, 4, 2, 5 lines and traces of 2 more

strips, 12 × max. 80 mm., now missing; (verso, 2 paper labels) “I* / G / 11” (*corr. ex* “15”?) and “A 2 / Lerano (?) Bib: / 18.”

(c) Vita Aegidii abb. Part of 1 folio, 208 × 290 (207 × 210) mm., 2 cols., 23 lines surviving. An entry in pale black ink on the verso reads “VII E (?) 38”; Naples, Biblioteca Nazionale VII E 38 (provenance: S. Giovanni a Carbonara, Naples) contains a *Summa de virtutibus* in Gothic writing and has an eighteenth-century binding with no trace of Beneventan. (*Stefano Palmieri*)

(d) Vita Augustini ep. Hipponensis (B.H.L. 792). Parts of at least 3 folios variously used: upper part of 1 folio, 242 × 292 (217 × 220) mm., 2 cols., 24 lines surviving, with the entry “De loco Sancti Bernardini Campi” on both recto and verso; a second folio has been cut in two, reinforced with a pastedown from a third folio which entirely covers the lower verso, and then the upper and lower parts have been artificially joined with 7 strips from possibly a fourth folio. Measurements of the reconstituted second folio: 511 × 313 (411 × 226) mm., 2 cols., 45 lines. The upper verso of the second folio has the entry “Pertinet ad locum sancti bernardini de campo.”

(e) Passio Hadriani et soc. mm. Nicomediae (B.H.L. 3745). Lower part of 1 folio, 270 × 289 (240 × 213) mm., 2 cols., 27 lines surviving. Nearly illegible offsets from the same manuscript are visible on the bottom of the recto.

Biblioteca della Società Napoletana di Storia Patria: Cuomo 1-5-14, pastedowns. The main text contains Decreta Alexandri pp. III (Third Lateran Council) and Ivo of Chartres, Panormia. On the front outside cover is the entry “del Sig. D. Benedetto Maria Betti / Vasto.” (*Stefano Palmieri*)

- (i) Pasted to the outside back cover is a scrap in Beneventan saec. XIII (Ambrosius Autpertus, Sermo de assumptione sanctae Mariae 6): 35 × 41 mm., part of 1 of 2 cols., 7 lines.
- (ii) Pasted to the inside back cover is the lower part of a folio from an antiphonale (Dom. 2 Quadrag.) in Beneventan saec. XII ex.: 164 × 232 (height 104) mm., 5 long lines of musical text. Partially covered by two fragments in Gothic and humanistic writing pasted over it: Liturgica, with drawing of Madonna and Child; poem in Italian with the name “Iustinus de sulmone germanus Probi poete” at the end.

Biblioteca della Sovrintendenza Archivistica per la Campania: S. N. Hieronymus, Epistulae 120.11–121 praef. Saec. XI. 541 × 285 (458 ×

ca. 262) mm., 2 cols., 56 lines. Presently (May 1993) serving as the cover of a volume of notarial records for the years 1530–33 (*not.* Lucio Greco, active at Ariano Irpino); see the entry “Proto-collum / notarii / Lucii greci / 1530.31.32.33” on the outside cover and fol. 1r of the main text “Hic liber est protocollorum . . . mei notarii Lucii greci ariani . . . factus in ciuitate ariani. . .” (*Giulio Raimondi*)

NEW CASTLE (Delaware)

Maurice E. Cope Collection: S. N. Haymo, *Homilia in Lucam* 11:14–28 (= Barré, p. 199, no. 26 [Liverani ed., p. 247]). Saec. XI in. 2 scraps, originally textually continuous, used to reinforce the binding of a printed book (Ioannes Maldonatus, *Commentarii in quattuor euangelistas*, vol. 1 [Brescia, 1597]): one scrap, 53 × 90 mm., 2 cols., parts of 5 lines, still serves this purpose; half of the other scrap, which once formed part of the outer column and now measures 50 × 50 mm., 5 lines, has been removed, leaving an offset from the recto on the spine; the remaining half of this second scrap, still pasted down and measuring 50 × ca. 50 mm., does not exhibit any writing and so comes, presumably, from the outer margin. The main text has several ex libris: (title page) “Spectat ad Conuentum Sancti Ioannis Baptiste Salutarum [= Saluzzo] id est ad Librarium” and “Ex libris Presbyteri Agustini Strattae sp.^{is}”; (flyleaf, stamped) “Parrocchia di M. V. Assunta / Caraglio” and “Ramazzina sac. Felice / pievano vicario / Caraglio.” The same ex libris are seen in vol. 2 (Brescia, 1598), which also exhibits this entry on the title page: “fratris Caelestini Nouariensis ordinis Praedicatorum.” Acquired in Florence. (*Maurice E. Cope, Francis Newton*)

NEW YORK

Bernard H. Breslauer Collection: S. N. Missale, with neumes (ss. Marcellini et Petri; Primi et Feliciani; Barnabae [in marg.]; Viti, Modesti, Crescentiae). Saec. XI ex. Bari type. 1 folio, 347 × 248 (263 × 183) mm., 2 cols., 29 lines. Acquired in 1972; cited in *The Beneventan Script*, 178, under “Manuscripts in Private Collections in Europe and the United States.” 3 other leaves from the same codex, which immediately precede the Breslauer folio, are described in Brown II, 593, 602: London/Oslo, The Schøyen Collection ms 63 (2 consecutive folios, Dom. 3–4 p. Pent); Cambridge (Mass.), Harvard University, Houghton Library fms Typ 701 (1 folio, Dom. 4 p. Pent; ss. Marcellini et Petri). See W. M. Voelkle

and R. S. Wieck, *The Bernard H. Breslauer Collection of Manuscript Illuminations* (New York, 1992), 154, no. 55, and plate on p. 155 (verso). (*Hope P. Mayo*)

OBERLIN (Ohio)

Oberlin College, Allen Memorial Art Museum: MS 58.19. Missale, with neumes (Septem Fratrum–ss. Naboris et Felicis). Saec. XI/XII. 1 folio numbered “ccx” on the recto, 250 × 180 (210 × 115) mm., 29 long lines. Received in 1958 as a gift from Frederick Binkerd Artz. Other fragments presently located from the same codex are the following: <ccvi> Charlottesville, Marvin L. Colker Collection 286 (Vig. ss. Petri et Pauli–Nat. ss. Petri et Pauli); (ccvii) Leiden, Bibliotheek der Rijksuniversiteit B.P.L. 2842 (Nat. ss. Petri et Pauli–Comm. s. Pauli); (ccviii–ccix, ccxxi–ccxxii) London/Oslo, The Schøyen Collection ms 55 (Comm. s. Pauli–Septem Fratrum; s. Timothei–Decoll. s. Iohannis Baptistae); (ccxi) Rome, Edward Ullman Collection S. N. (ss. Apollinaris–Felicis); (ccxii) New York, Pierpont Morgan Library M. 830 A (ss. Felicis–Stephani pp.). See *The Beneventan Script*, 39; Brown II, 623; and Quaritch, *Bookhands IV*, pp. 29–31, no. 12. For a missing and alleged membrum disiectum, see p. 342 below under Chicago. (*Thomas Forrest Kelly*)

ORVIETO

Archivio di Stato: Pergamene di recupero, 364. Isidorus, Etymologiae 8.1.1–4.2 + Ps.-Isidorus, Indiculus de haeresibus Iudaeorum 1–7. Saec. XII¹. 1 folio, trimmed and badly damaged on the recto, 400 × 254 (322 × 193) mm., 2 cols., 44 lines. Formerly serving as the cover of a register for the years 1566–84 (*not*. Albino Ardiccioni). See *La civiltà del libro in Orvieto: Materiali per lo studio della decorazione dei codici nei secoli XI–XV. Catalogo della mostra. Orvieto, Chiostro di San Giovanni, 27 marzo–30 aprile 1991* (Perugia, 1991), 31, no. 1 (Emore Paoli), with much reduced facsimile (verso); and A. Tomiello, “Nuove testimonianze in scrittura beneventana: Orvieto,” *Studi medievali*, 3d ser., 33 (1992): 431–37, with much reduced facsimile (verso). (*Stefano Zamponi*)

PADUA

Biblioteca Antoniana: Raccolta di frammenti S. N. (fragments removed from manuscripts and printed books and now kept separately in a notebook).

- (i) Numerous fragments of varying sizes removed from Biblioteca Antoniana 541, of which 4 are in Beneventan saec. XI (Bari features)

and join to constitute the upper part of a mutilated folio containing a Homiliarium (?; Leo Magnus, Tractatus 77.1–3): ca. 263 × ca. 214 mm., 2 cols. (width of 1 col. 95 mm.), 26 of an estimated original 30 lines surviving. 3 other small pieces exhibit no writing except for offsets from some of the Beneventan fragments. An offset from the recto of the fragment with the upper part of the complete column is preserved on the recto of the first original (unnumbered) flyleaf of Biblioteca Antoniana 541. This codex contains, in fifteenth-century writing, Michael de Massa, Sermones quadragesimales de pugna spirituali, and has a *nota possessoris* on fol. ii^v: “Iste liber est mei fratris Car: ?ol: Patau. quem emi / pisauri a quodam fratre predatore de sancto seuerino qui pluribus / annis fuit prior in conuentu dicte ciuitatis eorum ordinis et / recessit prope illuc.” See G. Abate and G. Luisetto, *Codici e manoscritti della Biblioteca Antoniana col catalogo delle miniature* (Vicenza, 1975), 556. (*Mary-Ann Winkelmess*)

- (ii) Cassius Felix, *De medicina* 42. Saec. X/XI. 210 × 140 (182 × 112) mm., 29 long lines. Formerly serving as the cover of a printed book (IC-V-1-int. 10: Leo × pp., *Bulla Reformationis edita in nona sessione Concilii Lateranensis initio Maii 1514* . . . [Venice, n.d.]) from which it was removed 28 May 1993. On the hair side is the entry “AZI.1.7.”

PARIS

Bibliothèque Nationale: lat. 3826. *Homiliarium in ordinary minuscule saec. XII by two scribes (fols. 1r–62v and fols. 63r–70v) trained to write Beneventan. The first hand lapses into Beneventan at fols. 29v.2 (“Virtus”)–3 (“Quia”), 45v.6 (“conficere”), 50v.9 (“Ciues autem”), 51r.5 (“Quin”), 51v.13 (“chanaan”), 58r.21 (“Fatua”), 58r.28 (“bellum”), 58v.28 (“Nam somnus mortis”), 60r.19 (“et uobis”)–28 (“corde”), 61r.23 (“possunt confundi”), 61v.4 (“non noui uos”). There are also many occurrences of Beneventan symptoms (principally in fols. 1r–62v): the characteristically Beneventan suprascript 3-sign for final omitted m (e.g., fols. 1r.2 [“iohannem”], 16v.5 [“omnem”], 62r.11 [“misericordiam”]); suprascript 2 for final -ur (fol. 56v.4 [“censetur”]); various forms of the typical Beneventan final stop (e.g., fols. 1r.7, 15v.13, 55v.18, 64v.8, 65r.28); 2-sign placed over the interrogative word and answered by the final interrogation mark over two points (fols. 38v.13–14, 42v.26, 43r.1, 59r.6 and 7, 61r.17, 61r.28–61v.1). See Bibliothèque Nationale: Catalogue général des manuscrits latins, vol. 7 (Paris, 1988), 427–29. (Marie-Pierre Laffitte, Patricia Stirnemann)*

PENNE

Archivio Arcivescovile: S. N. (fragments removed in 1994 during the restoration process from a volume of notarial records ["1417 febbraio 9 / 1573 settembre 6. Volume cartaceo manoscritto relativo al Capitolo di Penne"] and now kept in a folder). (*Paolo Francesco d'Aloisio*)

(i) *Homiliarium* (Gregorius Magnus, *Homiliae in evangelia* 17.14, 15; 27.6–7, 8). Saec. XI/XII. Scant remains of a damaged bifolium, the outermost of the quire, 424 × 152 mm., 2 cols. (width of 1 col. 82 mm.), 28 lines.

(ii) *Graduale*. Saec. XII. 10 damaged strips from 4 folios, 14 long lines of musical text and often only partly legible on the flesh side: 1 strip (Purif. B. V. M., cum ingressa–s. Agathae); 4 strips join to form an almost textually complete folio (Vig. Pent.–Pent.), 286 × estimated 144 (237 × estimated 124) mm.; 2 strips join to form part of a third folio (Inv. s. Michaelis–ss. Gordiani et Epimachi), 288 × 87 mm.; 1 strip, 287 × 42 mm., forms with 2 already conjoint strips, 289 × 90 mm., a fourth folio, almost textually complete (Ded. ecclesiae). A detailed study of these fragments by Thomas Forrest Kelly is forthcoming.

Biblioteca del Convento di S. Maria di Colleromano: S. N. *Passio s. Caeciliae* (B.H.L. 1495). Saec. XII. 1 mutilated and stained folio, with the text on one side presently (May 1994) covered by a pastedown, 410 × ca. 276 (342 × 194) mm., 2 cols., 34 lines. Formerly serving as the cover of a printed book (S-IV-5: *Della Somma angelica del reverendo p. f. Angiolo da Chivasso theologo, et vicario generale dell'Ordine Minore Osservante* [Venice, 1594]); see the ex libris on the title page: "Spectat ad Cenobium Pinne." (*Claudia and Paolo Francesco d'Aloisio*)

PORTLAND (Oregon)

University of Portland, Clark Library: S. N. *Isidorus, De fide catholica contra Iudaeos* 35.3, 36.1–39.1, 39.2–43.1, 44.1–3, 49.1. Saec. XII. Remains of 1 tattered folio in poor condition, 280 × 200 mm., 2 cols. (width of 1 col. ca. 105 mm.), 26 lines surviving. Perhaps acquired from E. von Scherling, Leiden, and described in *Rotulus* 6 (1952), no. 2430 (see p. 344 below). For other fragments from the same codex, see p. 305 above under Birmingham. (*Wilma Fitzgerald*)

RAVENNA

Biblioteca Classense: F.A. 113.1.4, cover and initial and final flyleaf. *Missale* (pro rege?). Saec. XIV. 2 damaged pieces: one piece serves

as the cover of a printed book (F.A. 113.1.4: Bonaventura, *Stimulus divini amoris* [Venice, 1537]) and measures 110 × 155 mm., 2 cols. (width of 1 col. ca. 90 mm.), parts of 3 lines surviving; the other piece serves as the initial and final flyleaf and measures 144 × 98 mm., 1 of 2 cols., (estimated) 12 lines surviving, of which 9–10 are visible. 2 small pieces (34 × 25 mm. and 25 × 22 mm.) of parchment apparently without writing but from the same codex are pasted to the verso of the final Beneventan flyleaf. The main text has these ex libris on the paper flyleaf formerly pasted to the verso of the initial Beneventan flyleaf: “Ex libris P. Antonij Ferrari 1751”; “Ex libris D. Sigisberti Ferrari 1755”; “Ad usum / Fr. Petri Alcantarę a / Sancta Theresia Carmelitarum / Excalceatorum.” (*Claudia Giuliani*)

ROCHESTER (New York)

University of Rochester, Eastman School of Music, Sibley Music Library:

Fleischer 10. Breviarium, with neumes (Fer. 3 ebd. maior.). Saec. XIV. A bifolium (only a full-length stub remains of one leaf), 345 × 272 (ca. 271 × 202) mm., (recto) 2 cols., 25 lines, (verso) 8 long lines of musical text. Provenance: (verso) “Hic liber est Sancte marie montis oliueti de Neapoli”; (recto) “bei Breslauer n. Meyer gekauft 14. 5. 99. Oskar Fleischer.” See S. De Ricci and W. J. Wilson, *Census of Medieval and Renaissance Manuscripts in the United States and Canada*, vol. 2 (New York, 1937), 1874. (*Thomas Forrest Kelly*)

ROME

Archivio di Stato, Collezione delle pergamene, Pergamene d'incerta provenienza (fragments removed from various volumes and now kept separately). (Further detailed information was kindly supplied by *dott. Paolo Cherubini*.)

Cass. 231, secolo XI, no. 4. Vetus Testamentum (2 Esd 7:72–8:16, 11:20–12:29). Saec. XI. A mutilated and damaged bifolium, 377 × ca. 260 (280 × 184) mm., 2 cols., 30 lines. Formerly serving as a cover (pasted to the flesh side are the remains of a paper label with the entry “? / 1511–<1>526”). Presently kept in a folder on which is written “Sec. XI in longobardo / dai volumi not. di S. Lorenzo.”

Cass. 231, secolo XI, no. 5. Ps.-Augustinus vel Ps.-Leo, Sermo de Cena Dni (= Machielsen 1357, 5555). Saec. XII in. 1 damaged folio, 380 × 262 (317 × ca. 195) mm., 2 cols., 33 lines. Formerly serving as a cover. A faint marginal note on the recto has been deciphered by *dott. Paolo Cherubini*: “Et ego Marcus Antonius ?otius publica apostolica auctoritate notarius, quia omnibus et singulis premissis . . .

fierent et agerentur. . . . 1526." Presently kept in a folder displaying the entry "Sec. XI / vecchio testamento in longobardo / dai volumi not. di S. Lorenzo."

Biblioteca Casanatense

711. Pasted upside down to the recto of a back flyleaf (fol. v) is a scrap from a liturgical text (*ut vid.*) in Beneventan saec. XII: 80 × 55 mm., parts of (estimated) 7 lines. The main text contains works by Cassiodorus, Bruno of Segni, Isidore, et al. in romanese saec. XII in. On fol. 1r is the ex libris "Iste liber est conuentus sancti Dominici de Neapoli ordinis / Predicatorum quem legauit Joannes todischinus 1504." (*Valentina Longo*)

4868. Breviarium-Rituale. Saec. XIV. See R. Amiet, "Inventaire des manuscrits liturgiques conservés dans les bibliothèques et les archives de Rome," *Scriptorium* 39 (1985): 117.⁴ (*Roger E. Reynolds*)

Archivio Frammenti/MS. 1168 and Vol. misc. 2389 (fragments removed at various times from manuscripts and printed books and now kept together in a box).

(i) Missale, with neumes (Praef. in Nat. Dni et Epiph.). Saec. XIII. 22 numbered vertical strips from seemingly at least 4 folios, with 19 strips joining to form 3 consecutive leaves, each with 6 long lines of cropped musical text (height of written space 104 mm.): (fol. 1 = nos. 14, 2–6) 168 × ca. 68 mm.; (fol. 2 = nos. 7–13) 174 × ca. 80 mm.; (fol. 3 = nos. 15–20) 158 × 54 mm. No. 21 preserves only traces of musical supports and possibly precedes no. 14 in our fol. 1. No. 1, which exhibits clef signs (flesh side) and a few traces of script (hair side), does not appear to belong to our fol. 3, which lacks the clef signs on the flesh side. No. 22 is blank. Removed from Biblioteca Casanatense 1168 ("Flores super euangelio Mathei" in Gothic writing) when the codex was restored at the Badia di Grottaferrata.

(ii) Breviarium, with neumes (Nat. s. Pauli ap.). Saec. XIII². Lower part of 1 damaged folio, 166 × 223 (122 × 172) mm., 5–6 long lines surviving. Formerly serving as the cover of a small book; see the entry on the flesh side: (top of spine) "Misc./in 8°/671"; (bottom of spine) "P (?) X/?32." Other entries include "Miscell n° 671" (flesh side) and "Ad vsum Martini" (hair side). Removed in 1969 from Vol. misc. 2389 (Aldus Manutius Iunior, *Purae, elegantes et copiosae*

⁴ My detailed study of this manuscript will appear in *Mediaeval Studies* 57 (1995).

latinae linguae phrases, ordine alphabetico in sectiones et capita distributae [Lyons, 1580], and Cyprianus Soarius, *De arte rhetorica libri tres* [Lyons, 1580]) with various entries and *notae possessorum*, some of which are given here: (label pasted to inside front cover) "Miscell. in 8.^o/Vol. 671"; (fol. ir) "G. Govi"; (title page of the Manutius text) "AA. Casa (?) / profess. / Soc. Iesu. . . ."

Biblioteca Nazionale: Varia 397 (3948) (a miscellany of fragments), **no. 14**. Missale (Sabb. Sanct.). Saec. XI/XII. 2 damaged pieces which join to form a mutilated folio, 296 × estimated ca. 266 (282 × estimated original ca. 171) mm., 2 cols., 25 of 26 lines surviving. Both pieces were removed from a binding.

Biblioteca Vallicelliana

B 77. Fols. 1r–4v (2 bifolia) are palimpsest; Beneventan saec. XI from seemingly two manuscripts (Patristica?) is written parallel to the upper text containing capitula in Gothic writing for the "Catena ss. Patrum in s. scripturae libros"; the lower script is visible on fols. 1v, 2v–3r, and 4r. 147 × 203 mm., 2 cols., 14 lines surviving (fols. 1, 4); 147 × 206 mm., 2 cols. (width of 1 col. 90 mm.), 16 lines surviving (fols. 2–3). Provenance of the main manuscript: Trisulti, Certosa di s. Bartolomeo (ex libris on fol. 147v: "Liber est iste monasterii ut uides ipse sancti bartholomei in ueritate rei"). (*Patrizia Formica*)

Carte vallicelliane XII, 3. Iustinianus, Codex 7.64.2–9, 7.71.8.4–72.6. Saec. XI. A bifolium, cropped so that text is missing on three sides, 282 × 206 mm., 2 cols. (width of 1 col. 91 mm.), 23–24 lines surviving. Removed from Vallicelliana ms P 63 (*Adagia graeca latine atque italice explicata*, saec. XVII, paper) when this codex was restored in 1982. See V. D'Urso, *Carte vallicelliane. Catalogo* (Rome, 1986) (typescript, unnumbered pages). (*Valentina D'Urso*)

ex S. Borr. A I 70, 8 small binding fragments (removed when the volume was restored in 1993 and now kept in a folder together with the volume). Hagiographica (Passio s. Laurentii, *ut vid.*). Saec. XI ex. One of the largest fragments measures 33 × 38 mm., parts of 2 cols., 4 lines. The main text consists of three printed works: Diadochus, *Capita centum de perfectione spirituali . . .*, Francisco Turriano interprete (Florence, 1570); Rupertus Tuitiensis, *De incendio Tuitiensi* (Cologne, 1572); Cyrillus, *Adversus anthropomorphitas liber*, Bonaventura Vulcanio interprete (Cologne, 1573). (*Patrizia Formica*)

ex S. Borr. Q I 4, cover (now removed and kept together with the volume). Lectionarium, with neumes (Lam 1:8–2:8). Saec. XI. 1 folio, trimmed so that line-ends of the outer column are missing, 312 × 203 (292 × estimated original 186) mm., 2 cols., 30 lines; the outer edge of seemingly another folio from the same manuscript, 205 × 62 mm., ends of ca. 18 lines. The main text contains a printed work (Iulius Castellanius Faventinus, *De humano intellectu libri tres* [Bologna, 1561]); cf. the *nota possessoris* on the title page: FMB (= Fabrizio Mezzabarba). (*Patrizia Formica, Valentina D'Urso*)

ST. PETERSBURG

Hermitage Museum, Department of Western European Drawing: MS. 29, front flyleaf. Antiphonale (s. Iohannis Baptistae). Saec. XII/XIII. 333 × 250 (310 × 163) mm., 12 long lines of musical text. The main manuscript contains a Missale Romanum in Gothic writing and has some association with Sulmona. See W. Gonczarowa, "Do zagadnienia lokalnych tradycji w chorale (na podstawie wybranych rękopisów średniowiecznych z Leningradu)," *Myzyka* 1 (1991): 6, with much reduced complete facsimile on 22–23. (*Roger E. Reynolds*)

SALA CONSILINA

Archivio Notarile: Busta 60, cover. Breviarium with neumes (Oct. Nat. Dni). Saec. XIII/XIV. A damaged bifolium, probably the innermost of the quire and cropped at the top so that at least 2 lines of musical text are missing, 310 × 260 mm., 2 cols., 9 of at least 11 lines of musical text surviving. Presently serving as the cover for a volume of notarial records from Casalnuovo (modern Casalbuono) for the years 1631–33 (*not.* Tommaso Novellino). See E. Spinelli, "Un nuovo frammento in beneventana dall'Archivio notarile di Sala Consilina," *Studi medievali*, 3d ser., 30 (1989): 813–22 and figs. 1–7 (complete facsimile). (*Enrico Spinelli*)

SAVIGNANO SUL RUBICONE

Rubiconia Accademia dei Filopatridi: n. provvisorio Camera I II V 332. Missale (Comm. mart. et pontif.; Comm. conf. et pontif.; Ded. ecclesiae). Saec. XII. A bifolium, trimmed and damaged, 150 × 105 mm., 19 of an estimated original 22 long lines surviving. Formerly serving as a cover, to judge from the remains of a label seen on the fold ("Speculum Come ____"). The fragment comes from the archive of the church of S. Paola, Roncofreddo (diocese of Rimini) and is presently on deposit at the Rubiconia Accademia dei Filopatridi. See D. Frioli, "Nuove testimonianze in scrittura beneventana:

Savignano sul Rubicone,” *Studi medievali*, 3d ser., 33 (1992): 401–12 and 2 plates (fols. 1r, 2v).

SUBIACO

Biblioteca del Protocenobio di S. Scolastica: CXX (123). Palimpsest; lower script of fols. 192–203, 205 (written at right angles to the upper text in Gothic writing) is barely legible Beneventan saec. XII/XIII and contains an Antiphonale (fols. 193, 198, 200: Decoll. s. Iohannis Baptistae; fols. 194–197, 202 [*ut vid.*], 205: Kal. Sept.; fols. 192, 199, 201, 203: ?): 390 × 260 (ca. 330 × 180) mm., 11 long lines of musical text. The upper script contains a mass for Pentecost, collects for the masses of various saints (John the Baptist, Bernard, Francis, etc.) and sequences for various Marian and other feasts. (*Beda Paluzzi, Marco Palma*)

TERAMO

Biblioteca Provinciale: Collezione varie pergamene, n.º 1. Hieronymus, *Commentarius in epistulam s. Pauli ad Ephesios* 2 (4:1–4). Saec. XI². 1 folio removed from an unknown volume, 350 × 246 (264 × 181) mm., 2 cols., 29 lines.

TORONTO

Virginia Brown Collection: MS. 2. Augustinus, *Tractatus in Iohannem* 123.5. Saec. XII ex. A scrap, 36 × 109 mm., 1 of 2 cols. (width 72 mm.), 4 lines. Formerly used in a binding. Presented in 1992 to the present owner by Martin Schøyen who had acquired it in 1990.

TRENT

Museo degli Usi e Costumi della Gente Trentina di S. Michele all'Adige: MS. 83 (presently on deposit in Trent, Museo Provinciale d'Arte, fondo Lawrence Feininger 83). 3 strips of varying sizes in Beneventan saec. XI¹ containing Ps.-Origenes, *Homilia* 3 in *Matthaeum* 6:1–2 (*Flor. cas.* 2:134a) have been used to repair pp. 51, 53, 54 of a *Graduale* in Gothic writing; the largest strip (pasted to p. 54) measures 163 × 26 mm., part of 1 of 2 cols., 18 lines surviving. (*Marco Palma, Stefano Zamponi*)

URBINO

Archivio di Stato: fondo IRAB F. G. 1668. Pasted to the outside front and back covers over folios in Gothic writing are two fragments in Beneventan saec. XII² containing a *Missale*, with neumes (ss. Agnetis; Vincentii; Matthiae): (outside front cover) a damaged and

stained bifolium, mutilated so that on one leaf only part of the inner column survives, 197 × 221 mm., 2 cols. (width of complete col. ca. 100 mm.), 20 lines surviving; (outside back cover) 74 × ca. 115 mm., inner of 2 cols., parts of 8 lines surviving. The fragment on the outside back cover joins with the mutilated inner column surviving on one leaf of the bifolium to constitute a folio (s. Matthiae) with height of written space at least 225 mm. and at least 24 lines per column. The main text is a "libro di amministrazione" from the ex-Congregazione di Carità. Transferred recently from the Municipio, Urbino. (*Bonifacio Baroffio*)

VATICAN CITY

Biblioteca Apostolica Vaticana

Vat. gr. 2005. Ter scriptus; lowest script of fols. 90–97 (written parallel to the two upper scripts) contains a Psalterium in barely legible Greek and Beneventan saec. XI, Bari type: 246 × 153 (195 × ca. 109) mm., 2 cols., 25 lines. The contents of the entire manuscript have been identified by *prof. Santo Lucà*: (Greek-Beneventan) Pss 47:2–48:11 (fol. 97r–v), 54:2–16 (fol. 90r–v), 64:11–65:10 (fol. 93r–v), 67:9–21 (fol. 94r–v), 70:6–18 (fol. 92r–v), 70:18–71:5 (fol. 95r–v), 79:2–80:4 (fol. 91r–v); (second script) Medica (Recettarium, *ut vid.*) in Greek saec. XII; (uppermost script) Euchologium in Greek saec. XII/XIII copied at the monastery of S. Elia di Carbone. See S. Lucà, "Attività scrittoria e culturale a Rossano: da s. Nilo a s. Bartolomeo da Simeri (secoli X–XII)," in *Atti del Congresso internazionale su s. Nilo di Rossano, 28 settembre–1° ottobre 1986* (Rossano-Grottaferrata, 1989), 47. (*Santo Lucà, André Jacob*)

Vat. lat. 10692, binding fragment. Between fols. i^r and 1 there is a vertical strip, ca. 305 × ca. 20 mm., bound upside down and containing a Missale with neumes (Quinquag.) in Beneventan saec. XII, part of the outer of 2 cols., 30 lines surviving. The main text, in Gothic writing, contains Gregorius ix pp., Decretales. See M. Vattasso and E. Carusi, *Codices Vaticani latini: Codices 10301–10700* (Rome, 1920), 669–70. (*Martin Bertram*)

Vat. lat. 15211, cover. Novum Testamentum (2 Cor 2:13–15, 3:2–3, 7–10, 14–17). Saec. XII ex. Lower part of 1 folio, 151 × 235 (width 152) mm., 2 cols., 8 lines surviving. The main text (paper) contains the diary and notebook of a young student at Sulmona, 1536–37. On the outside front cover is the entry "Hic est liber latinorum Joannis et petri." (*Leonard E. Boyle*)

Pergamene di S. Erasmo, Veroli, cartella XLIII.1. Palimpsest; lower script is Beneventan written parallel to the upper text and almost illegible on one side. Homiliarium (Beda, *Homiliae in evangelia* 1.25). Saec. XI². Remains of the upper part of 1 folio, 193 × 154 mm., outer of 2 cols. (width 95 mm.), 18 lines surviving. Upper script, in Gothic writing, contains an inventory of the books and liturgical furnishings intended for the church of S. Maria dei Falconi (territory of Veroli) by its founder Bartolomeo Sibilia. See F. Nasella, "Una testimonianza di scrittura beneventana da Veroli," *Archivio della Società Romana di Storia Patria* 115 (1992): 5–10 and plate (legible side). (*Franco Nasella, Paola Supino Martini*)

VEROLI

Archivio Capitolare: S. N. Missale (Dom. 12–13 p. Pent.). Saec. XI². Remains of 1 folio, 116 × 159 mm., parts of 2 cols. (width of 1 col. 110 mm.), 12 lines surviving. In March 1989 and June 1994 the fragment was kept, together with scraps of charters, in the drawer (labelled "Frammenti") of a cabinet in the Tesoro della Cattedrale; these fragments were rolled and tied with string, around which was placed a piece of paper with the entry "documenti utili." From the same manuscript as Frosinone, Archivio di Stato, Fondo pergamene, inv. 273 (pp. 311–12 above).

APPENDIX

Addenda and corrigenda to *The Beneventan Script* and Brown I, II

AGNONE, Biblioteca Emidiana S. N. (*The Beneventan Script*, 12): now identified as Beda in Marcum 1:16–27 cum prologo (Ep. ad Accam). This is the bifolium missing between fols. 10v–11r and 16v–17r of Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 14730 (*The Beneventan Script*, 157). Revised date for Vat. lat. 14730: saec. X ex.

ANDRIA, Biblioteca del Seminario S. N. (Brown II, 587): now Antiphonale 1. Other offsets from the same Missale are found on fols. 129r, 136v, 141v–142r, 143v. In Antiphonale 2 there are faint offsets in Beneventan, Bari type (Liturgica?) on fols. 34v, 43r, 47v, and elsewhere.

BARI, Archivio di S. Nicola 4 (Brown II, 589–90). Some of the Beneventan scraps used for purposes of repair on various folios have been identified: Antiphonale (CAO 2625 on fol. 55r, one side of detached fragment, and CAO 6945 on other side of detached fragment); Gregorius Magnus, *Moralia in Iob* 4.32.64 (fols. 105r, 135v–136r), 4.32.65, 33.66 (fol. 116v).

BERKELEY, University of California, Bancroft Library ff 2MS A2M2 1000:8 (*The Beneventan Script*, 23). Another fragment from the same codex is London/

Oslo, The Schøyen Collection MS 58; see Quaritch, *Bookhands IV*, pp. 24–26, no. 9.

CAMBRIDGE (Mass.), Harvard University, Houghton Library

MS Typ 700 (Brown II, 593): the now separated conjugate of this leaf (with the resulting bifolium occupying the central position in the quire) is London/Oslo, The Schøyen Collection MS 60 (*The Beneventan Script*, 135 "Patristica" under San Francisco); see p. 345 below and Quaritch, *Bookhands IV*, pp. 36–38, no. 16.

fMS Typ 701 (Brown II, 593): for a new fragment from the same codex, see pp. 331–32 above under New York.

CAMERINO, Archivio Arcivescovile, Miscellanea liturgica (Brown II, 593): now Misc. perg. 4, 1a and Misc. perg. 4, 1b. For another fragment from the same codex, see p. 308 above under Camerino. (*Sandro Corradini*)

CAVAT, Biblioteka Baltazara Bogišića Ink. 57 (Brown II, 594): now Ink. II–26. The folios pasted to the front and back covers have been removed; the text is consecutive (Fer. 4–6 p. Pent.). (*Mato Bete*)

CHICAGO, Newberry Library 36a (Brown I, 279): no further information has been obtained regarding the present location of this fragment, formerly alleged to be at the Newberry Library. A photocopy of a folio (ccxxvii, ss. Cosmae et Damiani–Lucae) with the apparently erroneous label "Chicago, Newberry Library 36a" was discovered by *Dr. Hope P. Mayo* among Dr. Lowe's papers at the Pierpont Morgan Library. For other fragments from the same codex, see p. 332 above under Oberlin.

DURHAM (North Carolina), Duke University, Perkins Library Lat. 79 (*The Beneventan Script*, 39): now identified as Isidorus, *De fide catholica contra Iudaeos* 36.4–39.1, 39.2–43.1. For other fragments from the same codex, see p. 305 above under Birmingham.

FLORENCE, Biblioteca Medicea Laurenziana 29.8 + 33.31 (*The Beneventan Script*, 41–42): (revised date) saec. XIII ex. See V. Brown, "Boccaccio in Naples: The Beneventan Liturgical Palimpsest of the Laurentian Autographs (mss 29.8 and 33.31)," *Italia medioevale e umanistica* 34 (1991): 71 n. 60.

FROSINONE, Archivio di Stato, Fondo pergamene: the shelf marks of the fragments described in Brown II, 596–98, have changed, and the provenance of some of the unattributed items has now been ascertained by the personnel of the Archivio di Stato; *dott.ssa Viviana Fontana* kindly communicated this information. The following list also includes some information regarding membra disiecta.

45 (inv. 131): now inv. 132 (45). Provenance: Ceccano, Archivio Notarile (*not. Jacobellus Augustini Paniscaldi*, 1509–12). From the same codex as inv. 143 (40) (olim 40 [inv. 142]).

91 (inv. 132): now inv. 133 (91).

83 (inv. 133): now inv. 134 (83).

4 (inv. 134): now inv. 135 (4).

54 (inv. 135): now inv. 136 (54).

- 86 (inv. 136): now inv. 137 (86). Provenance: Amaseno, Archivio Notarile (S. Lorenzo) (*not.* Patritius Pesce, 1749–56).
- 55 (inv. 137): now inv. 138 (55).
- 81 (inv. 138): now inv. 139 (81).
- 27 (inv. 139): now inv. 140 (27). Provenance: Ceccano, Archivio Notarile (*not.* Joannes Altobelli, 1514–22). From the same codex as inv. 144 (33) (olim 33 [inv. 143]).
- inv. 140 + 103 (inv. 145): now inv. 141 + inv. 146 (103). For inv. 146 (103), read “*not.* Joannes Altobelli, 1511–46” instead of “*not.* Torquato, 1511–46.”
- inv. 141: now inv. 142.
- 40 (inv. 142): now inv. 143 (40). Provenance: Ceccano, Archivio Notarile (*not.* Felice Angeletti, 1536–68). From the same codex as inv. 132 (45) (olim 45 [inv. 131]).
- 33 (inv. 143): now inv. 144 (33). Provenance: Ceccano, Archivio Notarile (*not.* Antonius Viola, 1521–37). From the same codex as inv. 140 (27) (olim 27 [inv. 139]).
- 44 (inv. 144): now inv. 145 (44).
- 90 (inv. 146): now inv. 147 (90).
- 56 (inv. 147): now inv. 148 (56).
- 92 (inv. 148): now inv. 149 (92).
- 85 (inv. 149): now inv. 150 (85).
- 65 (inv. 150): now inv. 151 (65).
- 63 (inv. 151) + 63 (inv. 152): now inv. 152 (63) + inv. 153 (63).
- 93 (inv. 153): now inv. 154 (93) and identified as the innermost bifolium of the quire, *Commune virginis*.
- 24 (inv. 154): now inv. 155 (24). Provenance: Ceccano, Archivio Notarile (*not.* Jacobellus Augustini Paniscaldi, 1505–9).
- 60 (inv. 155): now inv. 156 (60).
- 30 (inv. 156): now inv. 157 (30). Provenance: Ceccano, Archivio Notarile (*not.* Augustinus Paniscaldi, 1580–92).
- 59 (inv. 157): now inv. 158 (59).
- inv. 158 + inv. 159: now inv. 159 + inv. 160. Frag. “d” in inv. 160 (olim inv. 159) has been identified as a *Sacramentarium* (in *cimiteriis*).
- GENEVA, Bibliothèque Publique et Universitaire, Comites latentes 224 (Brown II, 599): now identified as Augustinus, *Tractatus in Iohannem* 10.13, 11.2. Other fragments from the same codex are Geneva, Bibliothèque Publique et Universitaire Comites latentes 272 (p. 312 above), London, Christopher de Hamel Collection ms 259 (p. 315 above), and London/Oslo, The Schøyen Collection ms 1356 (p. 317 above).
- IESI, Biblioteca del Conte Baldeschi Balleani L. II. 10 (*The Beneventan Script*, 48): now Rome, Biblioteca Nazionale, fondo Vittorio Emanuele 1630. Acquired in 1994.
- KARIN, Franjevački samostan Ink. 2, cover (Brown II, 620 under Zadar, Historijski Arhiv): the fragments were restored at Zadar in 1988 and then returned to Karin. In July 1988 they were kept separately at Karin without shelf mark.

- LAWRENCE, University of Kansas, Kenneth Spencer Research Library J6: 3: A2 (*The Beneventan Script*, 49). Another fragment from the same codex is London/Oslo, The Schøyen Collection MS 53 (*The Beneventan Script*, 135 "Sermones [1 fol.]. 'Saec. xii'" under San Francisco); see Quaritch, *Bookhands IV*, p. 40, no. 18, and p. 345 below.
- LEIDEN, E. von Scherling. 5 items described briefly by this bookseller (d. 1955) in *Rotulus: A Bulletin for Manuscript-Collectors* and presumably sold were listed as unidentified in Brown I, 282. Some of them have since been located:
- (i) *Rotulus* 3 (1933), no. 1641 (Paulus Diaconus, Homiliarium): now Berlin, Deutsche Staatsbibliothek Fragm. 25. Acquired in 1933 (not 1934 as stated in E. A. Lowe, "A New List of Beneventan Manuscripts," in *Collectanea vaticana in honorem Anselmi M. Card. Albareda*, Studi e testi 220 [Vatican City, 1962], 216). (*Ursula Winter*)
 - (ii) *Rotulus* 6 (1952), no. 2411 (Theologica): now Birmingham, Kenneth W. Humphreys Collection S. N. (see pp. 305, 334 above). (*Kenneth W. Humphreys*)
 - (iii) *Rotulus* 6 (1952), no. 2430 (Theologica), 1 mutilated folio, 2 cols.: now possibly Portland (Oregon), University of Portland, Clark Library S. N. (see pp. 305, 334 above). This fragment has been in its present location since at least 1964, but the Clark Library has no information on its provenance or date of acquisition (communication of *Rev. Joseph P. Browne, C.S.C., Director*). The identification, however, with von Scherling 2430 is plausible since the Birmingham and Durham membra disiecta from the same folio were sold by von Scherling in the 1950s, and the Birmingham fragment was listed in *Rotulus* 6 (1952) as no. 2411.
- LENINGRAD (now St. Petersburg), Hermitage Museum OP 21 (Brown II, 586): this item, reported to be in Beneventan, is in another kind of script. (*Roger E. Reynolds*)
- LONDON, Christopher de Hamel Collection S. N. (Brown II, 601): now MS 101 and identified as Gregorius Magnus, *Moralia* in Job 22.17.42.
- , Bernard Quaritch Ltd. In 1988 Martin Schøyen acquired the 11 fragments listed in *The Beneventan Script*, 134–35 under San Francisco, Bernard M. Rosenthal Collection, and the 14 fragments described in Brown II, 601–2. All these fragments, together with a few others of varying provenance, are described in a more detailed fashion, with accompanying plates, in Quaritch, *Bookhands IV*, and the new shelf marks are cited. For the sake of convenience, these shelf marks, together with the reference to the Quaritch catalogue, are given here:
- London/Oslo, The Schøyen Collection
- MS 51. Psalterium (Brown II, 602 [xiv] and 615 [San Francisco, Bernard M. Rosenthal Collection S. N.]; Quaritch, *Bookhands IV*, pp. 26–28, no. 10). See p. 315 above under London/Oslo for the description of 9 more folios not recorded in Brown II.
- MS 52. Passio ss. Alexandri, Hermetis, Quirini (*The Beneventan Script*, 134; Quaritch, *Bookhands IV*, pp. 10–13, no. 2).

- MS 53. Homiliarium (Augustinus, Tractatus in Iohannem 124.7–8; Ps.-Augustinus, Sermo in natali ss. Innocentium [= Machielsen 1393]; Ps.-Augustinus vel Ps.-Chrysostomus, Sermo in natali ss. Innocentium [= Machielsen 1487]) (*The Beneventan Script*, 135 “Sermones [1 fol.]. ‘Saec. xii’”; Quaritch, *Bookhands IV*, pp. 38–40, no. 18). From the same codex as Lawrence, University of Kansas, Kenneth Spencer Research Library J6: 3: A2 (*The Beneventan Script*, 49), with the Lawrence leaf probably preceding Schøyen MS 53.
- MS 54. Homiliae capitulares (*The Beneventan Script*, 135 “Lectionarium [bifol.]” and “Liturgica [bifol.]”; Quaritch, *Bookhands IV*, pp. 12–14, no. 3).
- MS 55. Missale, with neumes (ss. Bartholomaei–Augustini; s. Sabinae–Decoll. s. Iohannis Baptistae) (Brown II, 602 [xi, xii]; Quaritch, *Bookhands IV*, pp. 29–31, no. 12). For other fragments from the same codex, see p. 332 above under Oberlin.
- MS 56. Augustinus, Tractatus in Iohannem 12.4–7 (*The Beneventan Script*, 135 “Sermones [1 fol.]. ‘Saec. XIII’”; Quaritch, *Bookhands IV*, pp. 42–44, no. 20).
- MS 57. Vetus Testamentum (Prov 29:15–30:20) (*The Beneventan Script*, 135 “[formerly Santa Barbara, Mark Lansburgh Collection S. N.] Patristica [1 fol.]. ‘Saec. xii’”; Quaritch, *Bookhands IV*, pp. 41–42, no. 19).
- MS 58. Capitulare evangeliorum (Vig. Nat. Dni) (*The Beneventan Script*, 135 “Liturgica [1 fol.]”; Quaritch, *Bookhands IV*, pp. 24–26, no. 9). From the same codex as Berkeley, University of California, Bancroft Library ff 2MS A2M2 1000:8.
- MS 59. Liturgica, with neumes (sequentiae) (Brown II, 601 [iv]; Quaritch, *Bookhands IV*, p. 17, no. 5).
- MS 60. Novum Testamentum (1 Cor 8:12–9:25) (*The Beneventan Script*, 135 “Patristica”; Quaritch, *Bookhands IV*, pp. 36–38, no. 16). Formerly joining with Cambridge (Mass.), Harvard University, Houghton Library MS Typ 700 to form the central bifolium of a quire.
- MS 61. Vergilius, Georgica 1.61–120 (*The Beneventan Script*, 134; Quaritch, *Bookhands IV*, pp. 20–22, no. 7).
- MS 62. Augustinus, Tractatus in Iohannem 19:18–20:2, 21:3–4 (*The Beneventan Script*, 135 “Commentarius in Evangelium s. Iohannis [bifol.]”; Quaritch, *Bookhands IV*, pp. 18–19, no. 6). From the same codex as Bloomington (Indiana), Indiana University, Lilly Library Ricketts 160 (Tract. in Ioh. 19.8–12) (*The Beneventan Script*, 25) and Dubrovnik, Dominikanski samostan S. N., frag. e (Tract. in Ioh. 11.4–5) and frag. f (Tract. in Ioh. 43) (*The Beneventan Script*, 37).
- MS 63. Missale, with neumes (Dom. 3–4 p. Pent.) (Brown II, 602 [viii]; Quaritch, *Bookhands IV*, pp. 22–24, no. 8). For a new fragment from the same codex, see pp. 331–32 above under New York.
- MS 64. Gregorius Magnus, Homiliae in evangelia 40.2, 3 (Brown II, 602 [x]; Quaritch, *Bookhands IV*, pp. 45–46, no. 22).
- MS 65. Vita s. Petri ep. Alexandrini (Brown II, 601 [iii]; Quaritch, *Bookhands IV*, pp. 28–29, no. 11). For new fragments from the same codex, see pp. 316 above under London/Oslo and 347–48 below under Naples.

- MS 66. Graduale cum tropis (?) (Purif. B. V. M.) (Brown II, 601 [i]; Quaritch, *Bookhands IV*, pp. 14–16, no. 4).
- MS 67. Homiliarium (Ambrosius in Lucam 5.12–15; Leo Magnus, Tractatus 76.1, 2) (Brown II, 601 [iii]; Quaritch, *Bookhands IV*, 35–36, no. 15). For new fragments from the same codex, see pp. 315 above under London and 347–48 below under Naples.
- MS 68. Homiliarium (Gregorius Magnus, Homiliae in evangelia 32.6, 7–8 and 37.1, 2) (Brown II, 601–2 [v]; Quaritch, *Bookhands IV*, p. 38, no. 17).
- MS 69. Antiphonale (s. Agathae) (Brown II, 602 [vi]; Quaritch, *Bookhands IV*, p. 44, no. 21).
- MS 70. Missale (Inv. s. Michaelis–ss. Gordiani et Epimachi) (Brown II, 602 [vii]; Quaritch, *Bookhands IV*, pp. 50–51, no. 25).
- MS 71. Haymo in epistulam Pauli ad Romanos 9:1–10, 32–10:8 (Brown II, 602 [ix]; Quaritch, *Bookhands IV*, pp. 31–33, no. 13). For a new fragment from the same codex, see p. 316 above under London/Oslo.
- MS 72. Graduale cum tropis (Ded. ecclesiae) (Brown II, 602 [xiii]; Quaritch, *Bookhands IV*, pp. 33–34, no. 14).
- MS 265. Vita s. Lucae evang. (B.H.L. 4973) (*The Beneventan Script*, 133 under Rome, Armando Petrucci Collection S. N.; Quaritch, *Bookhands IV*, pp. 47–49, no. 24). Acquired in 1989.
- MONTECASSINO, Archivio della Badia. Flyleaves and binding fragments in Beneventan found in manuscripts now at Montecassino were deliberately excluded from the “Hand List of Beneventan MSS.” in both editions of *The Beneventan Script*. Many codices have since been restored; with the subsequent rebinding, the flyleaves and binding fragments were removed and placed in the Compactiones. Brown II, 623–24, described briefly some instances of the flyleaves in Beneventan still remaining in manuscripts at Montecassino, and other remnants which have since been discovered are listed here.
- 147, binding strip between pp. 12–13. Vitae sanctorum (?; Primi et Feliciani [B.H.L. 6922]). Saec. XI. Upper part of a bifolium, ca. 30 × 272 mm., parts of 2 cols., 1 line.
- 152, 191, 200, 300, 354, 384, 391, 393, 439 display (July 1990) small binding strips from at least two manuscripts in Beneventan saec. XI, with typical measurements (MS 152) 14 × 257 mm., 2 cols., 2–3 lines.
- (i) Hieronymus, Epistula 119.7.5, 7–8, 10, 12 (= MS 300, strip visible between pp. 194 and 195).
- (ii) Vetus Testamentum:
- (a) Jer 9:4–5, 13–14; 15:9–10, 18–19; 16:6, 15; 30:14–15, 23–24; 31:9, 18, 27, 35–36; 32:4–5, 14–15, 23–24, 32, 41–42; 33:5; 37:14–15; 38:2–3, 11, 18–19, 27; 39:7–8, 17; 40:5 (= MS 152, pp. 16–17, 198–199; MS 191, pp. 16–17, 192–193; MS 200, pp. 20–21, 174–175; MS 384, pp. 16–17, 154).
- (b) Capitula, praefatio Hieronymi in Isaia (= MS 300, pp. 16–17).
- (c) Ez 40:33, 43–44; 41:1–2, 11 (= MS 354, pp. 110–111).
- (d) Capitula (= MS 391, pp. 16–17, 168–169).

(e) 1 Mach 1:23, 27, 33–34, 40 (= MS 393, pp. 22–23, 212–213).

(f) Dan 4:22, 29; 5:1, 7–8 (= MS 439, pp. 16–17).

165, an offset of an unidentified text in Beneventan saec. XI ex. (?) on p. 1 (flyleaf in ordinary minuscule): max. 20 × 245 mm., parts of 2 cols. (*ut vid.*), 2 lines.

198, pp. I–IV (front flyleaves). Ps.-Anselmus Cantuariensis, *Miraculum de conceptione sanctae Mariae* and *Sermo de conceptione sanctae Mariae* (excerpts). Saec. XII ex. 228 × 154 (193 × 120) mm., 2 cols., 42 lines.

322, binding strips between pp. 16 and 17, 112 and 113.

(i) (pp. 16–17) *Patristica* (?). Saec. XII². 292 × ca. 13 mm., parts of 25 lines.

(ii) (pp. 112–113) *Patristica* (?). Saec. XI ex. 292 × 15 mm., 2 cols., 2 lines.

464, binding strips between pp. 16 and 17, 730 and 731. Iohannes Chrysostomus, *Sermo de Zachaeo* (PLS 4:711, 712, 713). Saec. XI/XII. Respective measurements are ca. 31 × 111 mm., parts of 2 cols., 4 lines and 23 × 210 mm., parts of 2 cols., 4 lines.

685, p. 300. 4 binding fragments removed after restoration of the codex exhibit offsets from an Antiphonale (Pascha) in Beneventan saec. XII; the lower 2 fragments also preserve part of 1 line not in offset. Respective measurements (from top to bottom): 47 × 80 mm., parts of 2 lines; 52 × 90 mm., parts of 2 lines; 49 × 84 mm., parts of 3 lines; 61 × 91 mm., parts of 2 lines. The main text (imitation ordinary minuscule on parchment) contains *Matthaeus Lauretus, De uera et reali existentia corporis SS. patris Benedicti in monasterio Cassinensi*.

799, barely visible lower script of pp. 347–350 (written at right angles to the upper script). Antiphonale (Let. Maior. ad process.). Saec. XI ex. (*ut vid.*). 291 × 212 (223 × 133) mm., 14 long lines. The main text, in paper and parchment, contains sermons and various theological works in Gothic and humanist writing; on pp. 1, 3, 234, 235, 484 there is an ex libris of the monastery of S. Angelo, Gaeta.

803, scant traces of the lower script of pp. 11, 13, 40, 42 (written at right angles to the upper script). Unidentified text. Undetermined date (saec. XI?). 201 × 141 (width 100) mm., 20–21 lines surviving. Also palimpsest are pp. 12, 14, 17–18, 35–36, 39, 41, but the erasure has been so thorough that the lower script is no longer visible; to judge from the erased but still visible square notation, pp. 17–18 and 35–36 (a conjugate bifolium) once contained Gothic writing. The main text contains a *Breviarium* in fifteenth-century humanist writing; on pp. 1 and 800 there is an ex libris of the monastery of S. Angelo, Gaeta.

Aula prima, *Registri contabili*, 1530–32, offsets on the initial (recto) and final (verso) flyleaves. *Vetus Testamentum* (Jer 49:24, 30, 32, 34, 35, 37, 38). Saec. XII. 2 cols., 4–6 lines surviving. The offsets in Beneventan are partly obscured by pastedowns in Gothic writing.

NAPLES, Biblioteca Nazionale

VI B 9, 15 binding scraps (Brown II, 607–8). An additional 36 scraps were also removed from the manuscript and are kept separately in an envelope. Of

- the new scraps, 3 are blank and 33 display Beneventan writing: 28 scraps containing the text of the Vita s. Petri ep. Alexandrini (B.H.L. 6693) are from the same Beneventan manuscript saec. XII in. as the 15 scraps previously recorded; 5 scraps (Ps.-Augustinus, Sermo App. 182.1, 3, 4, 5) are from the same Homiliarium in Beneventan saec. XII as the former Quaritch fragment (now London/Oslo, The Schøyen Collection ms 67) and the scraps associated with Naples, Biblioteca Nazionale VI B 1, VI B 12, VI E 41, XV AA 1 (p. 346 above and Brown II, 601, 607–8, 624). See L. Cigolini, “Nuove testimonianze di scrittura beneventana: Napoli e Berlino,” *Studi medievali*, 3d ser., 33 (1992): 412–31 (study and transcription of the Vita s. Petri ep. Alexandrini from the Berlin and Naples scraps recorded in Brown II and from the new scraps removed from ms VI B 9). For other new fragments of the Vita s. Petri ep. Alexandrini and the Homiliarium, see above pp. 316 (London/Oslo, The Schøyen Collection ms 65) and 315 (London, Christopher de Hamel Collection ms 260) respectively.
- VIII B 8, fols. 41r–62v (*The Beneventan Script*, 103): another part of the same codex is Vatican City, Biblioteca Apostolica Vaticana Barb. lat 583. See V. Brown, “Boccaccio in Naples: The Beneventan Liturgical Palimpsest of the Laurentian Autographs (mss 29.8 and 33.31),” *Italia medioevale e umanistica* 34 (1991): 70 n. 59.
- XV AA 1, binding fragment, “Homiliarium, ‘saec. XI²’” (Brown I, 265): now identified as Augustinus, Tractatus in Iohannem 26.7, 8–9, 10, 11, (revised date) saec. XII. Other fragments from the same codex are described under London, Christopher de Hamel Collection 260 (p. 315 above) and Naples, Biblioteca Nazionale VI B 9 (above).
- ROME, Biblioteca Casanatense Incunabulum 1392, saec. IX (*The Beneventan Script*, 124): read “Incunabulum 1932, saec. XI.” The shelf mark is now (July 1993) “Vol. Inc. 1887/1-3.”
- , Armando Petrucci Collection S. N. (*The Beneventan Script*, 133): now London/Oslo, The Schøyen Collection ms 265 and identified as Vita s. Lucae evang. (B.H.L. 4973) (= Paulus Diaconus, Homiliarium, *De sanctis* 59). See Quaritch, *Bookhands IV*, pp. 47, 49, no. 24, and plate on p. 48, and also p. 346 above.
- SAN FRANCISCO, Bernard M. Rosenthal Collection S. N. (Psalterium) (Brown II, 615): see p. 344 above under London, Bernard Quaritch Ltd.
- TROGIR, Kaptolski Arhiv 9, fol. 22r–v (Brown II, 618 [iii]): 2 strips from consecutive folios of a manuscript with 2 cols.; now identified as *Flor. cas.* 3:30a28–35 and 30b2–8.
- ZADAR, Historijski Arhiv S. N. (Brown II, 620): see p. 343 above under Karin.

MANUSCRIPTS IN PRIVATE COLLECTIONS IN EUROPE AND THE UNITED STATES: 2 folios, both from the same Missale in Beneventan saec. XI ex. (Bari type), were listed under this heading in *The Beneventan Script*, 178. One folio is now Cambridge (Mass.), Harvard University, Houghton Library fMS Typ 701 and was described in Brown II, 593; the other folio is New York, Bernard H. Breslauer Collection S. N. (see pp. 331–32 above).

Addenda:

JENA

Thüringer Universitäts- und Landesbibliothek; Ms. G. B. f. 32 (1). Homiliarium (Hieronymus in Matthaeum 2 [Mt 13:33–36]). Saec. XII ex. 1 damaged and mutilated folio, 310 × 220 mm., 2 cols., 29 of 30 lines surviving. On the verso is the entry “Rom 1853” in the hand of Wolfgang Maximilian von Goethe (1820–83), grandson of the poet. From the same codex as Jena, Thüringer Universitäts- und Landesbibliothek Fragm, lat. 5 (described on p. 313 above). (*Hartmut Hoffmann*)

LONDON

Sotheby's: Libellus precum. Saec. XVI¹. See *Catalogue of Western Manuscripts and Miniatures . . . Day of Sale Monday, 5th December 1994*, lot 88, pp. 114–17 and facsimile on p. 115 (fol. 1r). (*Christopher de Hamel*)

LONDON/OSLO

The Schøyen Collection S. N.: 17 small fragments from 11 manuscripts in Beneventan were acquired at the Sotheby sale of 21 June 1994 (lot 5); some of them are from the same codices as the Schøyen items described on pp. 315–18 above. The new fragments will be described fully in “A Second New List of Beneventan Manuscripts (IV)” (in preparation). (*Martin Schøyen*)

MANZANO

Archivio parrocchiale di S. Maria Assunta: S. N. Vita ss. Eustachii, Theopistae et fil. (B.H.L. 2761). Saec. XIII. 1 folio, trimmed and damaged, 310 × 256 (290 × 206) mm., 2 cols., 31 lines. Formerly serving as the cover of a “Registro di cameraria di entrate e uscite 1667–1668.” Presently (March 1994) on deposit at the Centro di Catalogazione e Restauro della Regione Friuli-Venezia Giulia, Passariano (province of Udine). See N. Giovè and A. Giusa, “Un nuovo frammento in

beneventana in Friuli,” *Studi medievali* (forthcoming). (Nicoletta Giovè)

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